

Dond

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2049 OF 2017

Shivraj Rambir Singh

... Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Ms. Nazneen Khatri i/b Nazneen Adil for Applicant.

Mr A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 16th JANUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 114 of 2017 dated 19.2.2017 registered with Ghatkopar Police Station, under Section 354 of the Indian Penal Code and under Sections 8 and 12 of the Protection of .Children from Sexual Offences Act (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] With a view to protect the identity of the victim girl who is a minor and in consonance with the provisions of Section 228(A) of the Indian Penal Code, detailed narration of facts mentioned in the first information report and in the statement of the victim is hereby avoided.

4] The first information report is lodged by the mother of victim girl. It is the prosecution case that, the applicant who is the neighbour of the victim girl asked her to bring a match-box from the grocery-shop and when she brought the same, the applicant directed her to keep it in the kitchen. When the victim girl had been to kitchen of the applicant, he closed the door and thereafter committed an offence as contemplated under 354(A) of the Indian Penal Code. The police have arrested the applicant on 19.2.2017 and after completion of the investigation, the police have submitted chargesheet.

5] The learned Counsel for the applicant submitted that, the applicant has been falsely implicated in the present crime. That the statement of the victim girl would reveal that she was tutored to give such statement at the behest of her parents. I find substance in the submission of the learned Counsel for the applicant. It is the allegation against the applicant that, when the victim girl had been to kitchen of the applicant, he

removed her clothes and touched her inappropriately. It is also alleged that the applicant showed her certain objectionable photographs from his mobile phone. The record indicates that, the Investigating Agency has not seized the said mobile phone. One witness namely Smt. Khooshboo Shukla has stated that, she saw the victim girl entering into the house of the applicant with a match-box and coming back within 5 to 10 minutes out of house in fear.

6] After taking into consideration the material available on record and the role attributed to the applicant in the present crime, this Court is of the view that, the applicant can be released on bail.

Hence the following Order:

- (i) The applicant be released on bail in CR No. 114 of 2017 registered with Ghatkopar Police Station, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall attend the concerned Police Station on every 1st Monday of the month between 11.00 a.m. to 1.00 p.m till the conclusion of trial.
- (iii) Applicant shall also attend all dates before the Trial Court.
- (iv) Any two consecutive defaults shall attract the provision of

cancellation of bail.

(v) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)