

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

**BAIL APPLICATION NO.2183 OF 2018**

|                                  |               |
|----------------------------------|---------------|
| Dhanraj Kanhaiyalal Bind @ Pappu | .. Applicant  |
| <b>Vs.</b>                       |               |
| State of Maharashtra             | .. Respondent |

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Mr.Jagdish Shukla h/f. Mr.Diwakar Singh, Advocate for the Applicant.  
Mr.A.R. Kapadnis, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : SEPTEMBER 28, 2018.**

**P.C. :**

This is an application for bail in connection with C.R. no.359 of 2015, for the offences punishable under Sections 354, 323, 504 read with 34 of Indian Penal Code (“IPC”, for short) and Section 8 of Protection of Children From Sexual Offences Act, 2012 (“POCSO”, for short).

2           The prosecution case is that the informant is the mother of the victim girl aged about 14 years. On 1<sup>st</sup> August, 2018 at about 8:30 p.m., the victim along with her friend was standing in the gallery of the house, one boy, namely, Shubham was teasing

her. The victim slapped Shubham. Parents of Shubham came and confronted her as to why she has assaulted Shubham. According to informant when she was about to inform the incident to police, he received phone call informing her that her son fell from staircase and she rushed home without lodging complaint. When she went home, the victim was coming towards her. The accused Seema, Dhanraj (applicant) and Shubham followed the victim. When informant intervened, the accused assaulted her by fist blows. Victim had told the complainant that Shubham and his parents assaulted her. Applicant caught hold of her from behind, which has outraged her modesty.

3            Applicant was arrested on 2<sup>nd</sup> August, 2018. Since then he is in custody.

4            Learned APP, on instructions from the officer present in the Court submit that the investigation is completed and charge - sheet has been filed. Applicant is charged with offences under Sections 354 and 323 of IPC and Section 8 of POCSO Act.

5            On perusal of the FIR, it is apparent that there was a quarrel between two children and the victim victim had slapped

the son of the applicant. Victim was allegedly questioned by the applicant and his wife as to reason for assaulting their son. According to informant the victim had informed her that the applicant had caught hold of her behind. There was no sexual assault by accused. Applicant is in custody from the date of arrest. Investigation is completed and charge - sheet is filed, further custody of the applicant is not necessary. Hence, case for grant of bail is made out.

6                    Hence, I pass the following order:

**:: ORDER ::**

- (i) Bail Application No.2183 of 2018, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.359 of 2018, registered with MIDC Police Station, Andheri (East), Mumbai, on his furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall not tamper with the evidence;

- (iv) Applicant shall attend the trial Court during the hearing of the case unless exempted by the Court;
- (iv) Applicant is permitted to furnish cash security of Rs.20,000/-, in lieu of surety for a period of four weeks;
- (v) Bail Application No.2183 of 2018, stands disposed of.

**(PRAKASH D. NAIK, J.)**