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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 2290 OF 2018**

Samadhan Nimbaji Wadekar

....Applicant

Vs.

The State of Maharashtra

....Respondent

Mr. Sanjay D. Shinde Advocate for the applicant

Ms. A. A. Takalkar APP for the State.

Mr. Vivek Pawar, PSI Oshiwara Police Station

CORAM : PRAKASH D. NAIK, J.**DATED : 21st DECEMBER, 2018****P.C.**

This is an application for bail under section 439 of Code of Criminal Procedure, 1973. Applicant is arrested in crime no. 245 of 2018 registered with Oshivara Police Station for offence punishable under sections 354 of the Indian Penal Code and Section 8 & 10 of the Protection of Children from Sexual Offences Act (POCSO).

2 The case of the prosecution is that on 14/05/2018, victim's mother had shifted from the house of her step father. Victim and her brother went to the house of their step father for bringing cylinder. Applicant is a watchman of the building who came to assist them. When the first informant and her brother were going by the lift, applicant had allegedly touched the victim inappropriately by inserting hands in her T-shirt. While the victim and her brother were coming down by the lift, applicant had again touched her inappropriately outraging her modesty. Applicant was arrested on 14/05/2018. Investigation is completed and charge-sheet is filed. There are no criminal antecedents against the applicant.

3 It is submitted by the learned Advocate for the applicant that the applicant is working as Security Guard for more than one year and there was no complaint of indecent behaviour against him. Several people are residing in the said building and the applicant had never come into adverse notice of the residents. There are quarrels between the complainant's mother and her step father who was residing in the building where the alleged incident has occurred.

4 The learned APP submitted that the applicant has committed an act of outraging the modesty of victim who is aged about 14 years. Specific role has been attributed to him.

5 As stated above, the applicant is in custody since the date of arrest. The maximum punishment for offence under section 8 of the POCSO Act is 5 years. Charge-sheet is filed. Further detention of the applicant is therefore not necessary.

ORDER

(I) Bail Application no. 2290 of 2018 is allowed.

(II) Applicant is directed to be released on bail in crime no. 245 of 2018 registered with Oshiwara Police Station on furnishing P.R. Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount.

(III) Applicant shall attend the concerned police station once

in a month on first Saturday of the month between 11.00 a.m. to 1.00 p.m. till further orders.

(IV) Applicant shall not tamper with the evidence.

(V) Application stands disposed of.

[PRAKASH D. NAIK, J.]