

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2698 OF 2018

Bapu Rajaram Sonavane, Age 27 years,
R/o.Annawadi, Gautam Nagar,
Marol Pipeline, Andheri (E),
Mumbai (presently lodged on Arthur Road
Central Prison)

Applicant

versus

The State of Maharashtra

Respondent

Ms.Anjali Patil for applicant.

Mr.Arfan Sait, APP, for State.

Ms.Savita R. Thombare, PSI, Sahar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st October 2018

PC :

1. This is an application for bail in CR No.140 of 2018 registered with Sahar Police Station, Mumbai for offences under Sections 8 and 10 of Protection of Children from Sexual Offences Act,2012.

2. The case of prosecution is that the victim is aged about 17 years 10 months. The accused is the husband of victim's sister. They were residing in the same building. On 23rd April 2018 the victim girl was sleeping and she felt that someone has pressed her chest. Again on 24th April 2018 she had a similar feeling. On 25th April 2018 the victim was alert and at that time the accused came down from the staircase and pressed her chest forcefully. She informed the said incident to her mother in the evening on the same day. The FIR was registered. The applicant was arrested on 6th May 2018.

3. Learned counsel for applicant submits that the applicant has been falsely implicated in this case on account of dispute between the applicant and his wife. The victim is related to applicant as his sister-in-law. There is no other independent evidence to support the prosecution case. There is no allegation of sexual assault. The investigation is completed and charge sheet is filed.

4. Learned APP submitted that the applicant has been named in the FIR as the person who has committed the alleged offence. The applicant was apprehended on the third occasion while committing the said act. The applicant is being prosecuted for the offence u/s 354 of IPC as well as under the provisions of POCSO Act.

5. I have perused the documents on record. The victim has attributed the overt act to the applicant. It is the prosecution case that the applicant had pressed the chest of victim. It is noted that the applicant is in custody from 6th May 2018. Investigation is completed and charge sheet is filed. The offence is punishable at the most with punishment of five years. On completing investigation charge sheet is filed. In the circumstances bail can be granted to the applicant on certain conditions.

6. Hence, I pass following order :

ORDER

(i) The applicant is directed to be released on bail in connection with CR No.140 of 2018 registered with Sahar Police Station, Mumbai, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (ii) The applicant shall not enter within the jurisdiction of Sahar Police Station and shall not approach the victim;
- (iii) The applicant shall furnish the address of his residence to the investigating officer after he is released on bail;
- (iv) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for four weeks;
- (v) Criminal Bail Application No.2698 of 2018 stands disposed off.

(PRAKASH D. NAIK, J.)

MST