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

CRIMINAL BAIL APPLICATION NO. 346 OF 2019

Dilip Somnath Bamankar

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Rajaram Bansode for the applicant

Smt. J. S. Lohokare APP for the State

Mr. B. S. Salunke, ASI, Akhuj Police Station, Dist. Solapur

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 15, 2019.

P.C.

Heard learned counsel for the applicant and learned APP
for the State.

2. In crime No.324/2018 for offence punishable under section 376(A) and (B), 506 read with 34 of the Indian Penal Code and sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for short) registered with Akhuj police station, Solapur, the applicant is seeking regular bail.

3. Perusal of the F.I.R. and statement recorded under section 164 of the Criminal Procedure Code, *prima facie* satisfaction of ingredients of section 376 of the Indian Penal Code read with section 4 of the POCSO Act are not noticed.

4. Considering the maximum punishment provided under sections 8 and 12 of the POCSO Act and the fact that the applicant was arrested on August 28, 2018, in my opinion, a case for grant of bail is made out.

5. One more aspect which can be looked in favour of the applicant is that there are no allegation of rape or satisfaction of ingredients of sections 3 and 4 of the POCSO Act. There are no antecedents against the present applicant.

6. The case *prima facie* appears to be of causing injuries to the private parts of the minor girl. Hence the following order :-

i) *The applicant be released on bail in Crime No.324/2018 for offence punishable under sections 376(A) and (B), 506 read*

with 34 of the Indian Penal Code and sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) registered with Akhuj police station, Solapur, upon furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount;

- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;*
- iii) Till the framing of charge, the applicant shall stay from the jurisdiction of Akhuj police station, Solapur.*
- iv) Applicant shall not take up profession of driving a school bus for transporting minor children.*
- v) The application stands disposed of accordingly.*

[NITIN W. SAMBRE, J.]