

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

CRIMINAL BAIL APPLICATION NO. 3401 OF 2019

Sushant Suresh Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Hrishikesh Mundargi i/b Pravada Raut, Advocate for the Applicant.

Smt. Veera Shinde, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 19th December, 2019

PC :

1. This is an application for bail in C.R. No. 190 of 2019 registered with Gadhinglaj Police Station, Dist. Kolhapur, for offences punishable under Sections 354(C), 354(D)(1)(i)(ii) of IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant was arrested on 20th August, 2019.

2. The case of the prosecution is that on 20th July, 2019 when the victim was leaving the bathroom, she found that the cell phone was kept on window of the bathroom. She noticed that the video recording was on in the cell phone. She tried to open the video but she could not do so as the phone's gallery was locked. It is further alleged that the victim tried to check as to whom the phone belongs

and therefore she opened the whatsapp profile picture. It was revealed that the phone belongs to the applicant. Thus, it was inferred that the phone was kept at the bathroom window to record the video of victim. The complaint was lodged with the police Station. On completing investigation charge-sheet has been filed. The contention of the applicant is that the cell phone did not have any objectionable recording. The applicant was arrested on suspicion. He had lost his mobile phone on previous day. Merely because the phone was allegedly owned by the applicant, it may not be presumed that it was kept by him at the window for the purpose of recording.

3. Learned APP submits that the phone was kept on the window of the bathroom which clearly indicates that the same was kept for the purpose of video recording while the victim is in the bathroom.

4. The charge-sheet does not indicate that there were any objectionable recording in the cell phone. The applicant is in custody from the date of arrest. Charge sheet is filed. There are no criminal antecedent against the applicant, Hence, case for grant of bail is made out.

5. Hence, I pass the following order:

ORDER

- i) Bail Application No.3401 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 190 of 2019 registered with Gadhinglaj Police Station, Dist. Kolhapur, on his furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 10.00 a.m. to 12.00 noon till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)