

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.24 OF 2019

Chail Bihari Mishra

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam I/by Piyush Toshnival for applicant.

Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th January 2019

PC :

1. This is an application for anticipatory bail in connection with CR No.0329 of 2018 registered with Rabale MIDC Police Station for offences under Section 377 r/w 34 of Indian Penal Code and under Sections 4, 5(L), 6, 8 of Protection of Children from Sexual Offences Act.

2. The complainant-victim is aged about 15 years. It is the prosecution case that the accused have subjected the victim to sexual assault amounting to offence u/s 377 of IPC. The role that has been attributed to the applicant is that he had told the victim to hold his private part. However, the act was not accomplished. It is contended that the applicant is aged about 78 years. He has not been attributed the role of sexual assault.

3. Learned APP submitted that the applicant is charged with the offences under POCSO Act.

4. Considering the fact that the applicant is aged about 78 years and nature of allegations attributed to him as stated hereinabove, the custodial interrogation of the applicant is not necessary. Hence, I pass following order :

ORDER

- (i) In the event of arrest of applicant in connection with CR No.0329 of 2018 registered with Rabale MIDC Police Station, Mumbai, the applicant be released on bail on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (ii) The applicant shall report the investigating officer of Rabale MIDC Police Station as and when called for;
- (iii) Criminal Anticipatory Bail Application No.24 of 2019 stands disposed off.

(PRAKASH D. NAIK, J.)

MST