

SAS

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY***

***CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL BAIL APPLICATION NO.57 OF 2019***

Chetan Krishnarao Kamle ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Ghanasham S.Jadhav for the applicant.

Smt. J.S. Lohokare, APP for the respondent-State.

***CORAM : NITIN W. SAMBRE, J.***

***DATE : FEBRUARY 15, 2019***

**P.C.:-**

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

2. After his arrest on September 5, 2018 in crime No.I-708/2018 for offence punishable under section 3(a) and 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and section 377 of the Indian Penal Code registered with Wakad police station, District Pune, the applicant came to be charge-sheeted.

3. The prosecution case is, the applicant has committed

sexual assault resulting invoking the provisions of sections 3(a) and 4 of the POSCO Act and section 277 of the Indian Penal Code.

4. The submissions of learned counsel for the applicant are, apart from the fact that necessary ingredients of POSCO Act are not satisfied as there is no penetration, there are no eye witnesses to the incident in question.

5. Learned APP opposed the claim on the ground that in the identification parade held, the applicant is identified.

6. So far as identification of the application in the identification parade is concerned, the said person has not witnessed the incident in question. Apart from above, the only link to connect the applicant to the crime in question is, he is residing in the same vicinity and was wearing red shirt.

7. In my opinion, once investigation is over and there are no antecedents, in the aforesaid background, the case for grant of bail is made out.

i) The applicant be released on bail in Crime No.I-708/2018 for offence punishable under section 3(a) and 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and section 377 of the Indian Penal Code

registered with Wakad police station, District Pune upon furnishing P.R. bond of Rs.25,000/- with one or more sureties in the like amount;

- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iv) In case it is noticed that the applicant is involved in similar type of offence, it shall be open for the prosecution to move for cancellation of bail;
- v) The application stands disposed of accordingly.

***(NITIN W. SAMBRE, J.)***