

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

Cri. BAIL APPLICATION NO. 583 OF 2019

Roopchand Narandas Shah

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Ms. Swapna P. Kode, Advocate, for the Applicant.

Mrs. A. A. Takalkar, APP for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : FEBRUARY 28, 2019.

PC :

1 The applicant is seeking bail in connection with CR No. 84 of 2019, registered with Ghatkopar Police Station, Mumbai for the offence under sections 342 & 506 of the Indian Penal Code and read with sections 8, 12 of POCSO Act.

2 The case of the prosecution is that on 3rd February, 2019, the complainant's son aged about 10 years was playing in the residential premises but returned home in disturbed state of mind. On inquiry by the complainant, his son stated that the accused showed his male organ to him and asked him to hold the same.

3 First information report was lodged on 03.09.2018. The applicant was arrested on the same day. The statement of the victim was recorded under section 164 of the Cr. P.C. . Learned counsel for the applicant submits that the applicant is aged about 85 years. He is suffering from partial disability. The applicant is in custody from the date of the arrest. Further detention is not necessary.

4 Learned APP submits that the statement of the victim was recorded under sections 161 as well as 164 of the Cr. P.C.. He has attributed overt-act to applicant. It is submitted that the investigation is still in progress.

5 Admittedly the statement of the victim was recorded under section 161 as well as section 164 of Cr.P.C.. The Applicant is a senior citizen, aged of about 85 years. Further detention of the applicant is not necessary. He can be granted bail on certain conditions. Hence, I pass following order :

ORDER

- i. Bail Application No. 583 of 2019 is allowed.
- ii. The applicant is directed to be released on bail in connection with CR No. 84 of 2019, registered with

Ghatkopar Police Station, on furnishing PR Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount.

- iii. The applicant is permitted to furnish a cash security in the sum of Rs.20,000/- for a period of eight weeks.

Bail Application is disposed of.

(PRAKASH D. NAIK, J.)

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