

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

CRIMINAL BAIL APPLICATION NO. 812 OF 2018

Derek Steven D'Souza
Age 46 years, Occ. Driver,
Mahada Housing Society Building,
Room No.405, Wadala (E.)
Mumbai – 400 037.

... Applicant

V/s.

The State of Maharashtra

... Respondent

- Mr.Sunil Kumar Kanojia for the Applicant.
- Mrs.G.P. Mulekar, APP for the Respondent.
- Mr.S.S. Tadavi, PSI, Kolsewadi Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th FEBRUARY, 2019.

P.C. :

1] This is an application for bail in C.R No. I-373 of 2016 registered with Kolsewadi Police Station for the offence punishable under Sections 354, 323, 506 read with 34 of the Indian Penal Code [*for short, "IPC"*] and Sections 3(c), 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 [*for short, "POSCO Act"*].

2] The Prosecution case is that the Applicant is the husband of the cousin sister of the complainant. The Applicant and his wife had

visited the house of the complainant on 21st October, 2016. The victim had disclosed that the Applicant had removed the clothes of the victim child and had touched her inappropriately. The Applicant was arrested on 21st October, 2016.

3] The allegations are in the nature of outraging the modesty of the women. The provisions of POSCO Act are also invoked. However, it is noticed that the Applicant is in custody for a period of 2 and half years and the trial has not commenced. In these circumstances, the bail can be granted to the Applicant on certain conditions.

4] Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.812 of 2018 is allowed and disposed off;
- (ii) The Applicant is directed to be released on bail in connection with CR No.I-373 of 2016 registered with Kolsewadi Police Station, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The Applicant shall not enter into the jurisdiction of Kolsewadi Police Station, Thane.

- (iv) The Applicant shall not tamper with the evidence and shall not approach the complainant or the victim.
- (v) The Applicant shall furnish the details of place of his residence to the Investigating Officer after his release on bail.

[PRAKASH D. NAIK, J.]