

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

CRIMINAL BAIL APPLICATION NO.1472 OF 2019

Ganesh Devidas Vasav

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Ms.Manisha A. Devkar, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.
- API Mr.N.B. Yamgar, Akuj Police Station, Solapur, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 09th JULY, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.586/18 registered with Akuj Police Station, Solapur, under sections 354-B, 506 of the Indian Penal Code and under sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO)

2. The FIR is lodged by mother of the victim. She has stated in her FIR that on 26/12/2018 her daughter was sent to

school with the present Applicant on his motorcycle. In the evening when the daughter came home, the first informant noticed that she was scared and she was not feeling well. On further enquiries by taking her in confidence it was revealed that the present Applicant before taking her to the school had taken her to an agricultural land in sugarcane crop and had removed her undergarments. The girl started crying and therefore he took her to her school. On this basis, the FIR was lodged. Investigation was carried out and the statement of the victim was recorded, who has narrated the same story.

3. The investigation is over and charge-sheet is filed.
4. Heard learned Counsel Ms.Manisha A. Devkar for the Applicant and learned APP Mr.S.H. Yadav for the State.
5. Learned Counsel for the Applicant submits that the Applicant himself is a 19 years old boy. Though, the offence alleged is serious, the incident itself has not escalated further

and Applicant had immediately dropped the victim to the school. He has not caused any damage to her. The Applicant is in custody since 02/01/2019. She makes a statement that the Applicant's mother is suffering from Cancer and there is no one to look after her. The Applicant's family is extremely poor. Therefore she prays for release of Applicant on bail.

6. As against this, learned APP submits that the offence is serious and the Applicant does not deserve to be released on bail.
7. From the allegations it is clear that the Applicant though had committed the act of removing undergarments of a minor girl, the trial Court can consider the evidence against him and proper sentence can be awarded to him. However, at this stage, the investigation is over. Offence had not taken a serious turn than what has been alleged. Undoubtedly though offence is serious, at this stage, custody of the present Applicant is not necessary. The Applicant himself is a young boy of 19 years of

age. The mother of the Applicant is suffering from Cancer. Considering these two circumstances, I am inclined to grant bail to the present Applicant. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.586/18 registered with Akulj Police Station, Solapur, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) After his release on bail, the Applicant shall not make any attempt to contact the victim or her mother.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)