

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

CRIMINAL BAIL APPLICATION NO. 1794 OF 2017

WITH

CRIMINAL APPLICATION NO. 1058 OF 2017

IN

CRIMINAL BAIL APPLICATION NO. 1794 OF 2017

Aakash Narayan Tawde

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Gajanan P. Lasure for the applicant (through Legal Aid)

Mr. A.R. Kapadnis, APP for the Respondent-State.

Mr. Manoj Godse PSI, Khar Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 14th JANUARY, 2019.

P.C.

1. This is an application for bail through jail. Learned advocate for the applicant representing the applicant submits that the applicant was arrested vide CR 434 of 2015 on 29th July, 2015. The offences were registered under Section 354(d)(1)(1), 509, 506 of Indian Penal Code and Section 7 and 8 of POCSO Act. Applicant had earlier preferred an application before this Court viz Criminal Bail Application No. 415 of 2016 for expediting the trial and appointing the lawyer through Legal Aid Panel for conducting

the trial. Application was allowed to that extent with directions to appoint the lawyer from the legal aid panel to conduct the trial of the applicant.

2. Learned counsel for the applicant submitted that the applicant is in custody for a period of about three and half years. It is submitted that the provisions of Sections 7 and 8 of POCSO Act are wrongly applied in this case, at the most Section 11 and 12 of POCSO Act is attracted.

3. Learned APP on instructions from the officer who is present in the Court submitted that the next date before the trial Court is 6th February, 2019 and the case is kept for framing of charge.

4. I have perused the FIR. The allegations reflected in the FIR would at the most makes out *prima-facie* case under Section 11 and 12 of POCSO Act and Section 354 of Indian Penal Code and the maximum punishment provided to the said offence is upto three years. Applicant is in custody from 29th July, 2015. Learned APP on instructions submitted that at the time of arrest, applicant had tried to inflict the injury on himself. However, considering the fact that the applicant is in custody since the date of arrest and the nature of allegations attributed to him, further detention of the applicant is not called out. The case for grant of bail is made out.

Hence, I pass the following order.

ORDER

- i. Criminal Bail Application No. 1794 of 2017 is allowed.
- ii. Applicant is directed to be released on bail in connection with CR No. 434 of 2015 registered with Malwani Police Station on furnishing P.R. Bond in the sum of Rs. 15,000/- with one or more sureties in the like amount;
- iii. Order may be communicated to the applicant through the jail where he has been detained.
- iv. Criminal Bail Application No. 1974 of 2017 and Criminal Application No. 1058 of 2017 stand disposed off.

(PRAKASH D. NAIK, J.)