

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

CRIMINAL BAIL APPLICATION NO. 3050 OF 2018

Kiran Ramchandra Bunage ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Ganesh Mohite I/by Vikrant B. Shinde for Applicant.

Mr. S. S. Hulke, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 10, 2019.

P.C. :

. In Crime No. 281 of 2018 punishable under Sections 324, 452, 354-A & 354-B of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012, the Applicant is seeking regular bail. The Applicant was arrested on 19th July 2018.

2. The Applicant came to be chargesetted after the completion of investigation. In the aforesaid background, Mr. Mohite, the learned Counsel for Applicant would urge that maximum punishment provided is for seven years for the offence in question. In absence of criminal antecedents, the Applicant is entitled to be released on bail.

3. According to the learned Counsel, the learned Magistrate while recording statement under Section 164 of the Code of Criminal Procedure has committed an error by taking help of the father of victim as a translator, who is an interested person as the vernacular language of the victim is narrated to be Kannad. He submits that the Applicant be released upon a reasonable conditions.

4. The learned APP submits that there is sufficient material on record to infer *prima facie* involvement. He would draw support from the statement of the witnesses and also that of the victim girl.

5. Having perused the chargesheet and other material available on record, it could be appreciated that the maximum punishment provided under Section 354 (b) of the Indian Penal Code is that of seven years. The investigation in the matter is already completed and there are no criminal antecedents. In view thereof, following order is passed.

ORDER

(A) The Applicant be released on bail in Crime No. 281 of 2018 punishable under Sections 324, 452, 354-A & 354-B of the Indian Penal Code and Section 12 of the Protection of Children from

Sexual Offences Act, 2012 on executing PR Bond of Rs. 15,000/- with two sureties in the like amount.

- (B) Till framing of charge, the Applicant shall keep himself away from the police station but for attending the trial.
- (C) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.

6. Criminal Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)