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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3101 OF 2018

Nagesh Pandurang Mandve ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Rajaram V. Bansode for the applicant.

Mr.S.S. Hulke, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 16, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.324/2018 for offence punishable under section 376(A) and (B), 506 read with 34 of the Indian Penal Code and sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for short) registered with Akluj police station, Solapur, the applicant is seeking regular bail.

3. Perusal of the F.I.R. and statement recorded under

section 164 of the Criminal Procedure Code. The necessary ingredients of section 376 of the Indian Penal Code read with section 4 of the POCSO Act are not satisfied.

4. Considering the maximum punishment provided under sections 8 and 12 of the POCSO Act and the fact that the applicant was arrested on August 28, 2018, in my opinion, a case for grant of bail is made out.

5. One more aspect which can be looked in favour of the applicant is that there are no allegation of rape or satisfaction of ingredients of sections 3 and 4 of the POCSO Act. There are no antecedents against the present applicant.

6. The case *prima facie* appears to be of causing injuries to the private parts of the minor girl. Hence the following order :-

- i) The applicant be released on bail in Crime No.324/2018 for offence punishable under sections 376(A) and (B), 506 read with 34 of the Indian Penal Code and sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) registered with Akulj police station, Solapur,

upon furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount;

- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iii) Till the framing of charge, the applicant shall stay from the jurisdiction of Akuj police station, Solapur.
- iv) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)