

Dond

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

BAIL APPLICATION NO.3325 OF 2018

Ram Samuj Gaud

..Applicant

Vs

The State of Maharashtra

..Respondents

Ms. Anjali Patil for the applicant

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

CORAM : A.S.GADKARI, J.

DATE : 25th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 241 of 2018 dated 22.6.2018 registered with Charkop Police Station, Mumbai under section 376(c)(3) of the Indian Penal Code and under section 4 of the Protection of Children From Sexual Offences Act (POCSO Act).

2] Heard the learned counsel for the applicant and the learned APP. Perused the chargesheet.

3] The first information report is lodged by the prosecutrix who was aged about 14 years on the date of lodgment of said report. With a view to protect the identity of the prosecutrix and in consonance with the

provisions of Section 228(A) of the Indian Penal Code and under Section 33(7) of the Protection of Children From Sexual Offences Act (POCSO Act), the detailed narration of facts mentioned in the first information report and the statement of the prosecutrix are hereby avoided.

4] It is the prosecution case that, on the date and time of the incident, when the prosecutrix was at her home alone, the applicant who is her neighbour entered into her house and sexually assaulted her. The applicant also threatened the prosecutrix with dire-consequences if she discloses the said fact to anybody. The statement of the prosecutrix under Section 164 of Cr.P.C has been recorded. In her statement under section 164 of Cr. P.C. recorded before the learned Magistrate, 63rd Court, Andheri she has given a different version and has stated that on the date of incident, one boy entered in her house and he did not do anything and the said boy left her premises immediately.

5] In view of the above and considering the fact that, the age of the applicant is 20 years and the police after completing the investigation have submitted chargesheet, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 241 of 2018 registered

with Charkop Police Station, Mumbai on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount;

ii] The applicant shall attend all the dates before the Trial Court unless granted exemption by the concerned Court.

iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)