

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3380 OF 2018

Sandra Juie Pinto, Age 24 years,
Occ.Service, R/o.Room No.17, Plot No.87,
Swapna Shakar Society, Gorai (I),
Borivali (W), Mumbai-400 091.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Siddheshwar N. Biradar for applicant.

Mr.S.R.Agarkar, APP, for State.

Smt.Mandakini Narote, Police Inspector, Kandivali Police Station,
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th January 2019

PC :

1. This is an application for bail. The applicant is arrested on 27th September 2018 in connection with CR No. No.492 of 2018, dated 24th September 2018 registered with Kandivali Police Station for offence under Section 376 of Indian Penal Code r/w Sections 4,6,8 and 12 of Protection of Children from Sexual Offences Act.

2. The complaint was lodged by the mother of the victim. It is the case of prosecution, as spelt out in the FIR, that the victim had gone to urinal for answering nature's call, when the accused had inserted her finger in the private part of the victim.

3. The investigation is completed and charge sheet is filed. Section 376 of Indian Penal Code is not attracted in the present case.

Learned counsel for applicant pointed out the statement of witness Smt.Viraj Fadia recorded on 25th September 2018 in which it is stated that the students were taken to urinal in queue and they were accompanied by housekeeping female and the applicant being a teacher was supervising and she had not gone to the toilet with victim. It is stated that CCTV footage of the subject area also does not show that the applicant had accompanied the victim in the toilet.

4. Learned APP submitted that the statement of victim was recorded which indicates the commission of act attributed to the applicant. The medical evidence, however, does not indicate any injury to the victim. It is noted that the investigation is completed and charge sheet is filed. It is submitted that the applicant has been suspended from the school.

5. Considering the aforesaid circumstances, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) The applicant is directed to be released on bail in connection with CR No.492 of 2018 registered with Kandivali Police Station, on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (ii) Criminal Bail Application No.3380 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)