

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.673 OF 2020

Sachin Gopal Parab, Age 35 years, Occ.Business, R/o.Room No.305, Vinayak Apartment, Anand Pada, Dombivali (East), Thane (Presently lodged in prison)	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Sagar Kasar for applicant.
Smt.Veera Shinde, APP, for State.
Mr.Sanjay S. Thakar, API, Bhandup Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd March 2020

PC :

1. The applicant was arrested on 17th December 2019 in connection with CR No.444 of 2019 registered with Bhandup Police Station, Mumbai for offence u/s 377, 506 of Indian Penal Code and Sections 4,6,8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The complaint was lodged by the mother of victim on 16th December 2019. The complainant has alleged that her son aged about 17 years 2 months, was found crying on 12th December 2019. On questioning him he told that he has lost his cell phone. On 13th December 2019 he was again found crying. He was taken into confidence and asked the reason for crying. The victim boy told her that one year ago the applicant-accused had taken him to a place behind the school at about 8 pm and removed his clothes. However,

since public were around, he was asked to wear the clothes. He returned home. Since 2017 the victim boy was subjected to unnatural sex. The FIR was registered.

3. The statement of the victim boy was recorded u/s 161 of Cr.PC on 18th December 2019. In the said statement he has referred to the incident which had occurred one year ago and further stated that from 2017 he was subjected to unnatural sexual assault. On 12th December 2019 he told his mother that he has lost his cell phone. In the statement u/s 164 of Cr.PC recorded on 15th February 2020 he has stated that he was called by the applicant-accused to his house. The accused was their neighbour. He was subjected to unnatural sex. He further stated that three months ago he was taken near ground by applicant. Some people assaulted him. One of them shown him knife and hence he came home crying. He has also stated that the applicant is presently residing at Dombivali. The statement recorded u/s 164 of Cr.PC are vague. The victim has not specified the dates of incident. In the statement u/s 161 of Cr.PC he has not stated as to when the incident had occurred. The mother of victim has stated that the victim had told her that one year ago the accused had attempted to sexually assault him. The FIR was lodged belatedly. The victim had never complained to his mother on the previous occasion. The medical evidence does not support prosecution case.

4. Learned counsel for applicant submitted that applicant is in custody from the date of arrest. He has been falsely implicated in this case. The applicant's father has passed away recently and he is required to perform certain rituals on 4th and 6th March 2020. There are no criminal antecedents against him.

5. In view of above, case for grant of bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.673 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.444 of 2019 registered at Bhandup Police Station, Mumbai, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Bhandup Police Station once in a month on every first Saturday between 11 am and 1 pm;
- (iv) The applicant is permitted to give cash security in the sum of Rs.25,000/- for a period of four weeks.

(PRAKASH D. NAIK, J.)

MST