

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION No.2336 OF 2019**

Ketan Pandurang Hindola .. Applicant
Vs.
The State Of Maharashtra & Ors. .. Respondents

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Mr.Sachin Rajepandhare a/w Jyotiram S. Yadav, advocate for Applicant.

Smt.Veera Shinde, A.P.P. for the State-Respondent.

D.J. Ningade Police Hawaldar, present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 18th DECEMBER, 2020**

PC.

1 This is an application for bail in connection with C.R. No.12 of 2017 registered with Kulgaon Police Station Dist.Thane, for the offence punishable under Sections 376 (1)(2 (i), 363, 366 read with 4, 8 and 12 of the Protection of Child from Sexual Offence Act 2012 (for short "POCSO") Act. The applicant was arrested on 01st February, 2017.

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2 The prosecution case is that the victim girl aged about 9 years, was allegedly assaulted by the accused on 31st January, 2017. The victim was crying and informed about the incident to her mother. Complaint was lodged that the victim had told her mother that the accused took the victim in the house and

removed her clothes. He also outraged her modesty. The statement of the victim was recorded under Section 161 of Cr.P.C. as well as under Section 164 of Cr.P.C. She has not referred to penetrative sexual assault in both the statements.

4 Learned counsel for the applicant submitted that the accused can be at the most punished for the offence under Sections 4, 8 and 12 of POCSO Act. The case under Section 6 of the POSCO is not made out. Learned counsel for the applicant further submitted that medical case papers mention that there was no oral sex, exhibitionism etc. Trial has not commenced. There were no injuries to the private part of the victim.

5 Learned APP submitted that the victim was minor. statement of the witnesses indicates the circumstances in which the victim was sexually assaulted.

6 The applicant is in custody since almost for a period of 4 years. Taking into consideration the version of complainant and the victim as reflected in the statements under Section 161 and 164 of Cr.P.C., the applicant can be granted bail on certain terms and conditions. Hence, the following order:-

:: O R D E R ::

- (i) Bail Application No.2336 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 12 of 2017, registered with Kulgaon Police Station Dist. Thane, on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report the Kulgaon Police Station once in a month on first Saturday of the month between 11:00 a.m. to 01:00 p.m. till further order;
- (iv) Applicant shall not enter in the vicinity of place of residence of victim and shall not approach the victim or her relatives and tamper with the evidence in any manner;
- (v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)