

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

CRIMINAL BAIL APPLICATION NO. 2348 OF 2019

Premranjan Kumar @ Raghuveer
Keshav Prasad Gupta ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms. Falguni K. Sanghvi, Advocate for the Applicant.
Mrs. J.S. Lohakare, APP for Respondent-State.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 10th FEBRUARY, 2020.

P.C.

Heard.

1. It is an application under Section 439 of Code of Criminal Procedure, 1973 ("Cr.P.C." for short).

2. Applicant is seeking enlargement on bail in Crime No. I - 832 of 2018 registered with Sakinaka Police Station for the alleged offences punishable under Section 354 of the Indian Penal Code, 1860 ("IPC"

for short)and Section 8 and 12 of Protection of Children from Sexual Offences Act 2012 (“POCSO” for short).

3. Prosecution has alleged that on 25.11.2018, when the victim (12 years old) had been to the Savitribai Phule Garden with her parents, the applicant allegedly touched her inappropriately and thereby committed the offence punishable under Section 8 of POCSO, 2012. Final report shows on the next day i.e. 26.11.2018, applicant was identified by the victim in presence of one Ajay Indersingh in whose house for time being, the applicant was living.

4. Learned counsel for the applicant submits that the investigation is over and the trial may not commence and conclude in the near future, however applicant’s presence can be secured by imposing conditions. Additionally it is submitted that the offence under Section 8 is punishable for a term which shall not not be less than 3 years and offence under

Section 12 is punishable for term a which may extend to 3 years. It is next submitted that the applicant is in the custody since November, 2018 i.e. for more than year. Learned counsel for the applicant assures that applicant shall not live in the vicinity or in the jurisdiction of the Sakinaka Police Station.

5. I have perused the final report including statement of victim. Having regard to the facts of the case, quantum of punishment prescribed for the alleged offence and keeping in mind that trial is not likely to commence in the near future, but since the applicant's presence can be secured for the trial, the application is therefore, allowed. It may be also stated that no other criminal antecedents against the applicant, have been brought to my notice by the learned APP, the applicant is directed to be release on bail on the following conditions.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond for the sum of Rs.25,000/- with one or two local solvent sureties in the like amount;

(ii) The applicant shall file an undertaking that he will not enter in the jurisdiction of Sakinaka Police Station or visit the Savitribai Phule Garden at Sakinaka till the conclusion of trial;

(iii) The applicant shall report to the concerned Police Station, once in a month on Monday of 3rd week of each month commencing from February 2020 between 11:00 am to 01:00 pm.;

(iv) The applicant shall furnish the particulars of his new residential address as well as permanent address and contact details to the investigating officer within fifteen days from the date of his release on bail;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

6. The application is allowed in the aforesaid terms and disposed off.

7. It is made clear that observations made hereinabove shall be construed as an expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP. K. SHINDE, J.)_