

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3091 OF 2019

Sanjeev Singh

....Applicant

v/s.

The State of Maharashtra

....Respondent

* * * *

Mr. Akhilesh Singh i/by. Mr. Kunal V. Phoole,
Advocate for the applicant.

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

P.I. Mr. Rajendra Satpute, Charkop Police Station
present.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 2nd January, 2020.

P.C. :

1. Heard.

2. It is alleged, the applicant outraged the modesty of the victim, 17 years old, on 21st August, 2019 at 9.40 p.m. near Building No. 58 at Charkop, Kandivali, Mumbai. The incident was reported on 22nd August, 2019 at 17.00 hrs whereupon Crime No. 260/2019 came to be registered against the applicant

under Section 354 of the Indian Penal Code and Sections 8 and 12 of Protection of Childrens from Sexual Offences Act ("POCSO Act" for short). The applicant came to be apprehended soonafter the incident. The chargesheet has been filed.

3. The learned Counsel for the applicant submits, a false report has been lodged since the applicant had filed a complaint against the victim's brother on 22nd August, 2019 for assaulting him. He has placed on record copy of the FIR lodged by the applicant being FIR No. 261 of 2019 registered under Section 325 read with Section 34 of the Indian Penal Code against victim's brother and one Kaalu (absconding). The copy is taken on record and marked Exhibit-X-1 for identification. Prima-facie, report lodged against the applicant is actuated with malice and/or with illegality.

4. It appears, FIR lodged by the applicant was prior in point of time, in as much as, it was registered on 22nd August, 2019 at 16.00 hrs; whereas, FIR by the victim was lodged on 22nd August, 2019 at 17.00 hrs. The investigation in the case is over and the trial may not commence in the near future. There

are no criminal antecedents as against the applicant.
His presence for the trial can be secured by imposing conditions.

5. The Bail Application is granted on the following terms :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant is directed to be released on bail in C.R. No. 260/2019 registered with Charkop Police Station on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

(iii) The applicant shall attend the Police Station concerned as and when called.

(iv) The applicant shall not enter the jurisdiction of Charkop Police Station, Kandivali till 31st May, 2020.

(v) The applicant shall furnish the particulars of his place of residence and mobile number to

the Investigating Officer of the Police Station concerned within seven days from his release on bail.

(vi) *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. It is made clear that, the observations made herein are *prima-facie* in nature and the trial Court shall decide the case on its own merits in accordance with law, uninfluenced by the observations made in this order.

(SANDEEP K. SHINDE, J.)