

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

CRIMINAL BAIL APPLICATION NO. 216 OF 2021

Tejas Jayram Shetty	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Adv. M. Desai i/b. Adv. T. R. Patel, Advocate for the Applicant.
Mrs. M. R. Tidke, APP for the Respondent – State.
PSI- Vijay K. Kadam, Kurar Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd MARCH, 2021.

PC :

1. The applicant is arrested on 22nd October, 2020 in connection with C.R. No. 886 of 2020, registered with Kurar Police Station, which is subject matter of Special POCSO case No. 427 of 2020.

2. The First Information Report (“FIR”) is lodged by victim aged about 17 years on 21st October, 2020. The applicant is aged about 19 years. It is alleged that the applicant and the complainant were close friends. They got acquainted with each other since December, 2018. It is alleged that the applicant had threatened the complainant by pointing out knife and forced the complainant to forward her nude photographs to him. Their friendship continued. Thereafter, the applicant used to threaten her that he would make the photographs viral.

3. Learned advocate for applicant submit that, it is not alleged that the applicant had at any point of time forwarded the photographs to any other person other than the complainant. Pursuant to the arrest of the applicant, cellphone of the applicant, is seized by the police. On completing investigation, charge-sheet is filed. It is not clear as to why Section 8 of the POCSO Act has been invoked in this case.

4. On perusal of the FIR, it does not appear that, there was any penetrative sexual assault. The applicant is aged about 19 years.

5. Considering the factual matrix of the case, further detention of the applicant is not necessary. Hence, case for grant of bail is made out.

ORDER

- i) Bail Application No. 216 of 2021 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 886 of 2020, registered with Kurar Police Station on executing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount;

- iii) The applicant shall report concerned police station once in three months on first Saturday of the month between 11.00 am. to 1.00 pm. till further order.
- iv) The applicant is permitted to furnish provisional Cash Bail Security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)