

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

BAIL APPLICATION NO.509 OF 2021

Vijaykumar M. Harijan	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Omkar Nagvekar, Advocate for the Applicant.

Mrs.Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 17, 2021.

P.C. :

This is an application for bail. The applicant is arrested on 2nd November, 2020, in connection with C.R.No.474 of 2020, registered with Amboli Police Station, Mumbai, for the offences punishable under Section 354 of Indian Penal Code (“IPC”, for short) and Sections 8 and 12 of Protection of Children from Sexual Offences Act (“POCSO Act”, for short). First Information Report (“FIR”, for short) was lodged on 2nd November, 2020, by victim girl. She was aged about 17 years at the time of incident, which is evident from the birth certificate annexed to this application.

2 According to the victim/complainant there was discrepancy in WiFi connectivity. Hence, the mother of victim had called the applicant. He visited house when victim was alone. She called her mother. Her mother told her her that she is on the way home. While carrying out the repairs, the accused was staring at the complainant. The applicant – accused then pulled the victim, kissed her and tried to touch her private part. She managed to run away. The accused caught her. She shouted and the accused ran away.

3 Learned counsel for the applicant submits that the applicant is in custody for substantial time. There are no criminal antecedents against him. The offence is at the most punishable for imprisonment upto five years.

4 Learned APP submitted that only because of alertness of the victim, further incident could be averted. Specific role has been attributed to the applicant.

5 On perusal of FIR, it is apparent that the applicant had outraged the modesty of the complainant and tried to touch her private part. Offence under Sections 8 and 12 of POCSO Act are invoked against him. The punishment provided for Section 8 is upto five years and three years. Trial may not commence

immediately. On stringent conditions, bail can be granted to the applicant.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.509 of 2021, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.474 of 2020, registered with Amboli Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall not approach the complainant or any of the witnesses;
- (iv) Applicant shall not enter the vicinity of the residence of the complainant;
- (v) Applicant shall report concerned police station once in a month on first Saturday of the month for a period of six months, and, thereafter once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m.;

(vi) Bail Application No.509 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)