

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

BAIL APPLICATION NO.799 OF 2021

Samson Ponraj Nadar

.. Applicant

Versus

State of Maharashtra

.. Respondent

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Ms.Uma S. Palsuledesai, Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.

API Santosh Khandekar, Goreagon Police Station, Mumbai,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : APRIL 7th, 2021.

P.C. :

The applicant is arrested on 21st January, 2021, in connection with C.R.No.33 of 2021, registered with Goregaon Police Station, Mumbai, for the offences punishable under Sections 354, 509 and 506 of Indian Penal Code (“IPC”, for short) and under Sections 8 and 12 of Protection of Children from Sexual Offences Act (“POCSO Act”, for short).

2 First Information Report (“FIR”, for short) was registered on 20th January, 2021 by the mother of victim. It is alleged that on 5th January, 2020, the daughter of the complainant aged about 13 years was subjected to inappropriate touch by the

applicant. Thereafter she disclosed the said incident to her cousin in October 2020. On 22nd October, 2020, the incident was disclosed to the Father of the Church. The applicant was called and given an understanding that he should not repeat such act. On 17th January, 2021, the applicant was found staring at the victim. Hence, FIR was lodged on 20th January, 2021.

3 The case of the applicant is that there is substantial delay in lodging the FIR. The applicant has been falsely implicated in this case. He is in custody from 21st January, 2021. He is not having any criminal antecedents. There is motive for false implication in this case. The applicant is gainfully employed in the company. Charge-sheet is filed.

4 Learned APP submitted that specific role has been attributed to the applicant. The victim is aged 13 years. There is delay in lodging the FIR.

5 In the FIR, it is alleged that the alleged incident is dated 5th January, 2020. The applicant accused had touched the chest of the victim in bus. FIR was lodged after a period of about one year. Investigation is completed. Charge-sheet is filed. Further detention is not necessary.

:: ORDER ::

- (i) Bail Application No.799 of 2021, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.33 of 2021, registered with Goregaon 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 report the concerned police station once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;
- (iv) Applicant shall not tamper with the prosecution evidence;
- (v) Applicant shall not approach the victim and shall not cause any sort of harassment to her;
- (vi) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of surety;
- (vii) Bail Application No.799 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)