

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 1821/2021**

Mr. Rajendra Singh Narendra
Saini

.....**Applicant**

V/s.

The State of Maharashtra

....**Respondent**

* * * *

Mr. Sanjay Singh, Advocate for the applicant.

Mrs. Anamika Malhotra, APP for State.

PSI, D.M. Gunjal from Sakinaka Police Station present.

CORAM: SANDEEP K. SHINDE, J.

Tuesday, 17th August, 2021.

P.C.:

1. Heard learned Counsel for the applicant and learned APP for State.

2. Although the accusations by complainant against the applicant, may constitute offence of 'sexual harassment,' yet, the statement of victim (minor daughter of the complainant), recorded on 1st January, 2021 does not

suggest that applicant had, 'sexually harassed' her as understood within the meaning of Section 11 of the Protection of Children from Sexual Offences Act ("POCSO Act" for short). On the contrary, the FIR lodged by victim's father apparently suggests amification of the incident to rope in the applicant in commission of offence punishable under Section 12 of POCSO. Applicant is in custody since December, 2020. The investigation is over and the charge-sheet has been filed. There are no criminal antecedents against the applicant. In consideration of these facts, the applicant is directed to be released on bail and hence the following order :

ORDER

(i) The applicant arrested in Crime No. 1418/2020 registered at Sakinaka Police Station, he shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer twice a month i.e. first and fourth Monday between 11:00 to 1:00 p.m. commencing from September, 2021 for six months and thereafter as

and when required by the Investigating Officer and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

(iv) 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 accordingly allowed and disposed off.

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

(SANDEEP K. SHINDE, J.)