

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2204/2021**

Rajesh Inderlal Chaudhary                      **.....Applicant**

**V/s.**

The State of Maharashtra                      **....Respondent**

\* \* \* \*

Ms. Saili N. Dhuru, Advocate for the applicant.

Ms. Juanita John Menezes, Advocate for the complainant.

Mr. H.J. Dedhia, APP for State.

**CORAM : SANDEEP K. SHINDE, J.**  
**(through Video Conference)**

**Friday, 13<sup>th</sup> August, 2021.**

**P.C. :**

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

2.            This is an application for bail.

3. Prosecution case in brief is that, the applicant had shown pornography to his minor daughter. She divulged this fact to her mother, whereafter the mother filed an FIR and Crime No.I-26/2021 was registered under Section 354-A of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, (“POCSO Act” for short). The applicant was apprehended on 23<sup>rd</sup> January, 2021. The investigation is over and the chargesheet has been filed.

4. Complainant has appeared suo-moto. She is represented by her lawyer. She has filed an Affidavit sworn on 13<sup>th</sup> August, 2021. Paras (d) and (e) of the Affidavit reads as under :

“(d)I say that the FIR bearing CR No.26 of 2021 registered with the Shivajinagar Police Station, Dist: Thane was lodged due to some misunderstanding. I say that now I have no grievance against the applicant and have no objection if the applicant is released on bail.

(d) I am filing this affidavit on my own free will without any force or coercion from any one as I feel that applicant should be released on bail.”

5. Affidavit is taken on record and marked “X-1” for identification. In consideration of the facts of the case and in particular, the Affidavit of the complainant, I am inclined to release the applicant on bail. Even otherwise, the offence is punishable with imprisonment for maximum period of three years. The application is allowed.

6. The applicant arrested in Crime No.I-26/2021 registered at Shivajinagar Police Station, Ambernath, shall be released on bail on executing P.R. bond for the sum of Rs.20,000/- (Rs. Twenty Thousand only) with one or more sureties in the like sum.

7. The applicant shall report to the Investigating Officer as and when called and co-operate in the investigation.

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

9. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

10. The application is accordingly allowed and disposed off.

11. 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.

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**(SANDEEP K. SHINDE, J.)**