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

CRIMINAL BAIL APPLICATION NO. 2398 OF 2021

RAJU RAMESH KADAM

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**Mr. Dimple Joshi a/w Hiral Joshi advocate for the Applicant
Ms. A. A. Takalkar APP for the State**

CORAM : NITIN W. SAMBRE, J.

DATE: 28th OCTOBER, 2021.

P.C.:

1] Applicant is seeking bail in C.R. No. 788/2020 registered with Kandivali Police Station for offence punishable under Sections 354, 377 of the Indian Penal Code and under Sections 6, 8, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012.

2] Prosecution case against the applicant is, applicant, neighbour of victim girl called her and committed offence under Sections 6, 8 & 12 of Protection of Children from Sexual Offences Act, 2012

(Hereinafter referred to as 'POCSO' for the sake of brevity) and Section 354 of the Indian Penal Code.

3] Having heard respective counsel on the merits of the matter, it is noticed that there is unexplained delay of about 5 days in lodging F.I.R.

4] Apart from above, though it is claimed that victim was bitten by applicant on her chest, however, no medical evidence to that effect. Hence, punishable under Section 6 of the POCSO Act i.e. aggravated penetrative sexual assault could be established. Applicant has suffered sufficient incarceration for more than one year.

5] At the most, even if offence under Section 8 & 12 of the POCSO Act, maximum punishment prescribed is 5 years.

6] In that event, case for bail is made out.

(i) Applicant be released on bail in C.R. No. 788/2020 registered with Kandivali Police Station for offence punishable under Sections 354, 377 of the Indian Penal Code and under Sections 6, 8, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012 upon furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

(iii) Applicant shall not directly or indirectly try to contact the victim or her family members.

(iv) Applicant shall stay away from the jurisdiction of the concerned police station till the conclusion of trial.

7] Application stands disposed of.

[NITIN W. SAMBRE, J.]