

BDP-SPS-TAC

BHARAT
DASHARATH
PANDIT

Digitally signed
by BHARAT
DASHARATH
PANDIT
Date: 2021.10.13
11:27:52 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1103 OF 2020**

Nandu Johnny Pinto Applicant.

V/s

The State of Maharashtra and Anr. Respondents.

Mr. Pandit Kasar for the Applicant.

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

1. ----

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 11, 2021

P.C.:-

1] After having suffered arrest from 4/12/2017 in Crime No.I-159 of 2017 registered with Tilak Nagar Police Station, Thane for the offence punishable under Sections 354A, 376 of the Indian Penal Code and Sections 6, 8 and 12 of the Protection of Children from Sexual Offences Act, Applicant came to be chargesheeted.

2] Allegation against the Applicant is that he has committed sexual assault on three minor victim girls. Statement of victim girls recorded under Section 164 of Cr.P.C. implicates the Applicant for offence punishable under Sections 8 and 12 of the POCSO Act for which punishment prescribed is maximum five years and 3 years respectively.

Applicant is behind bars for more than three years. Necessary ingredients of Section 376 of IPC or Section 6 of POCSO Act cannot be inferred from the material available on record.

3] As such, maximum punishment prescribed under Sections 8 and 12 is five and three years. Applicant has already suffered imprisonment of three and half years. There are no criminal antecedents against the Applicant. Medical Certificates of the victims do not demonstrate any injuries to their private parts.

4] I am informed that charge against the Applicant is already framed in 2019. However, trial has not proceeded an inch ahead. As such, there is delay in conducting trial which might not conclude in recent future considering pendency.

5] In the aforesaid backdrop, Applicant, in my opinion, deserves to be released on bail.

6] Applicant is directed to be released on bail in C.R. No. I-159 of 2017 registered with Tilak Nagar Police Station, Thane for the offence

punishable under Sections 354A, 376 of the Indian Penal Code and Sections 6, 8 and 12 of the POCSO Act, upon furnishing P.R. Bond in the sum of Rs 25,000/- with one or more sureties in the like amount. Applicant shall neither tamper with the evidence nor directly or indirect try to influence the prosecution witnesses. Applicant shall not contact the victims directly or indirectly. Applicant shall remain outside the jurisdiction of the said Police Station till conclusion of the trial.

(NITIN W. SAMBRE, J.)