

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

BAIL APPLICATION NO. 1166 OF 2020

Rajaram Vishnu Zende .. Applicant
Vs.
The State Of Maharashtra .. Respondent

.....
Mr. Avinash R. Godhia, Advocate for Applicant.
Mr. Y.M. Nakhwa, A.P.P. for the State-Respondent.
.....

Jayant V. Salunke
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Date: 2021.03.11 11:23:38 +0530

**CORAM : PRAKASH D. NAIK, J.
DATE : 17th FEBRUARY, 2021**

PC.

The applicant is arrested in connection with C.R. No. 356 of 2020 registered with Nehru Nagar Police Station for the offence punishable under Section 354 of Indian Penal Code (for short "IPC") and Section 8 of Protection of Children from Sexual Offences (for short "POCSO") Act, 2012. The First Information Report was registered on 10th August 2020.

2. The prosecution case is that on 10th August, 2020 the daughter of complainant aged about 10 years had got to shop situated near the residence to bring chocolate and shampoo. She returned home after about 15 minutes. She was looking frightened. She was followed by

some children and one woman. The complainant was told by the daughter (victim) that person was standing near the shop, he caught her hand and removed her mask and bit her lips. All of them went near the shop. One of the boy had apprehended accused and he was taken to Police Station. The complainant also followed them and visited Police Station and her statement was recorded. The applicant was arrested and since then he is in custody. The statement of victim girl was recorded on 09th August 2020. She had narrated the aforesaid incident. The statements of other witnesses were recorded. The victim was medically examined and abrasion were found on her person. The medical report mentioned that injuries are possible by impact with blunt object.

3. The applicant is a senior citizen aged about 73 years. He is in custody from 10th August 2020. It is submitted by learned counsel for the applicant that the applicant is retired BMC employee. He has no criminal antecedents. The medical report indicates that the injuries mentioned in local examination is possible by impact with blunt object. The applicant was not carrying any weapon. Investigation is completed and charge-sheet is filed. The submissions and the defence would be

considered at the time of trial. However, considering the age of the applicant and since he is in custody from 10th August, 2020, bail can be granted to the applicant. Hence, I pass the following order:-

ORDER

- (i) The applicant is directed to be released on bail in connection with C.R. No.356 of 2020 registered with Nehru Nagar Police Station on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (ii) The applicant shall report Nehru Nagar Police Station once in three months on first Saturday between 11.00 a.m. and 01.00 p.m. for a period of one year;
- (iii) The applicant is permitted to furnish provisional cash bail security in the sum of Rs. 25,000/- for a period of twelve weeks in lieu of surety;
- (iv) Bail Application No.1166 of 2020, stands disposed of.

(PRAKASH D. NAIK, J.)