

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

CRIMINAL BAIL APPLICATION NO.3618 OF 2019

Mr. Pradeep Kailash Kamti	..Applicant
Versus	
The State of Maharashtra and Anr.	..Respondents

Mr. Advait Tamhankar, Appointed Advocate for the Applicant.
Mr. M. G. Patil, APP for the Respondent - State.
Mr. Layman Yadav, PSI, Powai Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 26th OCTOBER, 2021

PC.

Since the counsel appointed through the Legal Services Authority is not present, this Court requested learned counsel Mr. Advait Tamhankar to assist the court in deciding the application.

2. Learned APP has made available his record for perusal to the learned counsel Mr. Advait Tamhankar who is requested to put forth the case of the applicant.

3. Prosecution case against the present applicant is that applicant being stepfather of victim girl, came to be arrested for an offence punishable under section 354, 324 and 506 of IPC and sections 8, 9(l)(m)(n), 12 of the Prevention of Children from Sexual Offences Act, 2012 (POCSO Act). The statement of the complainant - Sangita dated 21.03.2018, the other witnesses Raju, his wife Deepali if appreciated, there is no material on record to infer that the applicant has indulged in an offence punishable under section 9 of the POCSO Act.

(31)-BA-3618-19.doc.

4. The applicant appears to be behind the bars since 22.03.2018 i.e. more than three years. If the allegations against the applicant are taken to be admitted at its face value, in my view the maximum punishment under section 8 of POCSO Act and section 354 of IPC has been already undergone by the applicant.

5. Necessary ingredients of section 9 of POCSO Act cannot be inferred from the aforesaid material placed on record.

6. That being so, it is ordered that the applicant be released on bail in Special POCSO Case No.194 of 2018 arising out of C. R. No.100 of 2018 on executing P R. bond of Rs.5,000/-. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence. Applicant shall not directly or indirectly try to contact the victim/complainant. The applicant shall attend the trial regularly and shall not influence the victim or the complainant. Applicant shall stay away from the jurisdiction of the concerned police station till the conclusion of trial. After his release on bail, he shall furnish details of place of his residence and contact number to the Investigating Officer within two weeks.

7. The application stands allowed.

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[NITIN W. SAMBRE, J.]