

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2980 OF 2021**

Suraj Ajit Shinde

...Applicant

Versus

The State of Maharashtra & Anr.
.....

...Respondents

Mr. Sudatta Patil for the Applicant.

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

Mr. Vaibhav Sugdare for Respondent No.2.
.....

CORAM : N.R. BORKAR, J.

DATED : 19th OCTOBER 2022

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.
2. The applicant came to be arrested in Crime No.37 of 2021 registered at M.I.D.C. Kupwad Police Station, Sangli for the offences punishable under Sections 376, 376(2)(n), 376(3) of the Indian Penal Code and under Sections 4, 5(L), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “the POCSO Act”).
3. I have heard the learned counsel for the applicant, the learned APP for the State and the learned counsel for respondent No.2.

4. I have perused the statement of the victim girl aged about 14 years recorded under Section 161 of the Code of Criminal Procedure. According to her, the present applicant touched her private parts. She has not stated that the present applicant committed sexual intercourse with her. Considering these facts, *prima facie*, it would constitute the offence punishable under Section 8 of the POCSO Act and not the offence punishable under Section 4 or Section 6 of the POCSO Act. The maximum punishment under Section 8 is five years. The applicant is in jail for more than 20 months. Considering these facts, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant be released on bail in C. R. No.37 of 2021 registered at M.I.D.C. Kupwad Police Station, Sangli for the offences punishable under Sections 376, 376(2)(n), 376(3) of the Indian Penal Code and under Sections 4, 5(L), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.
- (iii) The applicant shall not give any threat or inducement to the prosecution witnesses.

(N.R. BORKAR, J.)