

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3249 OF 2021

Upendra Saranth Singh .. Applicant
Versus
The State of Maharashtra .. Respondent

...

Mr. Swaraj Jadhav i/b Mr. Birjesh Shukla for the Applicant.
Mr. Vivek Rane for Respondent no.2
Mrs. A.A. Takalkar, A.P.P. for the State/Respondent.
Mr. Ganesh K, API, Navghar Police Station.

...

CORAM: BHARATI DANGRE, J.
DATED : 24th AUGUST, 2022

P.C:-

1. The applicant is the father of the complainant, who came to be arrested on 17/06/2021, when his daughter aged 15 years lodged a report in the Navghar police station on 17/06/2021, alleging that on 12/06/2021, while she was sleeping in the hall of her house, her father touched her inappropriately by rubbing her chest and vagina. She has also stated, that for last three years the father was subjecting her to such treatment.

On 16/06/2021, she informed the incident to her aunt, who

advised her to report to the police station and accordingly the complaint was registered by invoking sections 376 (2) (f), 354 (A), 504, 506 of IPC and section 4, 8, and 12 of the POCSO Act. The investigation was carried out by referring her for medical examination.

Her statement came to be recorded under section 164 of Crpc on 22/06/2021, and the said statement is produced before me.

2. On perusal of the said statement the victim girl do not support her version to the police, and she state that her father was harassing herself as well as her sister and on a particular date he did not approve of she going to her aunt and threatened her that if she return home, she will have to meet dire consequences. When she returned home along with her mother, she was driven out of her house and her aunt gave her shelter. It is stated by her, that her father abused her, and even rushed towards her grandmother mother, who tried to mediate.

3. The victim girl is present in the Court. She is represented by the learned counsel. When I tried to ascertain from her, whether she is pressurized to give the statement before the Magistrate, she deny the same, and state that as she was annoyed with her father, and hence she lodged a complaint. She is appraised of legal consequences of lodging a false report. However, considering that she is of tender age, I do not propose to initiate any action against her.

4. However, in the wake of the above circumstances the applicant cannot be kept incarcerated and deserve his release on bail.

Hence the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Upendra Saranth Singh shall be released on bail in connection with C.R.No.429/2021 registered with Navghar Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (d) The applicant shall mark his attendance to the concerned Police Station once in every three months till framing of charge, and thereafter as and when required by the Investigating Officer.

(SMT. BHARATI DANGRE, J.)