

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 15 of 2022

Ceril Anthony Koyalo .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Ms.Saima Ansari i/b Khan Fakruddin for the applicant.
Ms.Saloni M. Ghule for respondent no.2.
Smt.A. Takalkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 27th JUNE, 2022

P.C:-

1 The applicant is charge-sheeted for an offence punishable u/s.354, 354D, 509, 341, 328 and 506 of the IPC read with Sections 8 and 12 of the POCSO Act.

2 The subject C.R came to be registered on a complaint filed by the mother of the girl, aged 15 years and 8 months, alleging that in the month of March 2021, when she had visited the public toilet in the vicinity, the applicant who also resided in the same locality, forcibly pulled her in the toilet and tried to touch her upper part of the body. Another incident took place on 29/6/2021 when the victim was present outside her house, the applicant forcibly took her in his house, locked the door from

inside and touched her private parts inappropriately and also assaulted her. This resulted in C.R.No.798/2021 where the applicant is charged for the aforesaid act.

2 During the course of investigation, the statement of the victim girl is also recorded, when she specifically refer to the name of the applicant as the person who outraged her modesty for first time in March 2021 and further, on 29/6/2021. Upon the second incident, she was referred to MCGM Hospital, where she has given a history that the applicant assaulted her physically and sexually, abused her and threatened her. The medical papers record the injuries in form of linear abrasion present over right cheek of size 3 cm x 0.2 cm.

3 The applicant is charged u/s.8 and 12 of the POCSO Act, which contemplate punishment of Imprisonment of either description for a term, which shall not be less than three years, but may extend to five years, and for Section 12, a maximum imprisonment that can be imposed may extend to three years.

The applicant came to be arrested on 30/6/2021 and since then, he remain incarcerated.

4 Heard learned counsel for the complainant who submit that if the applicant is released on bail, there is a likelihood that he shall threaten the prosecution witnesses as he is residing in the same locality.

Upon such an apprehension being expressed, the learned counsel has instructions to make a statement that he shall never enter Ratan Nagar Chawl in Chakala, Andheri and this restriction may be followed by him immediately on his release from jail. He also assure that he will shift to another locality along with his family i.e. wife and children and shall never enter the said chawl where the complainant and the victim girl are residing.

5 Considering the nature of accusations faced by the applicant and the maximum punishment which could be imposed on conviction and since he is incarcerated for almost a year, with no charge being framed, I deem it appropriate to release him on bail subject to the following stipulations. Hence, the following order :

ORDER

- (a) The Applicant – Ceril Anthony Koyalo in connection with C.R.No.798/2021 registered with Andheri Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police

Officer. The Applicant should not tamper with evidence.

- (c) On his release, the applicant shall not set his foot in the Ratan Nagar chawl, Chakala, Andheri.
- (d) His family shall also remove themselves from the said premises and join the applicant wherever he chose to stay.
- (e) He shall not, in any way, attempt to establish contact with the complainant/ victim girl or her family and upon such attempt being brought to the notice of the Investigating Officer, the prosecution as well as the complainant will be at liberty to seek revocation of the order, releasing him on bail.

6 The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)