

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

CRIMINAL BAIL APPLICATION NO.2299 OF 2022

Swapnil Sadashiv Raut

...Applicant

V/s.

The State of Maharashtra

... Respondent

Ms.Vilasini Balsubramanium i/b Mr.Jaydeep D. Mane, for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent-State.

Mr.Veerdhwal Deshmukh, Appointed Advocate, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th AUGUST 2023

P.C:-

. By this Application, Applicant is seeking bail in C.R. No.119 of 2022 registered with Fauzdar Chawadi Police Station, Solapur for the offence punishable under Sections 354, 354A and 354D of the Indian Penal Code and under Sections 8,9(M) and 12 of the Protection of Womens From Sexual Offences Act, 2012 (for short 'POCSO').

2. It is prosecution's case that, Complainant lodged report at Police Station stating that, her daughter is learning in 3rd standard. On 25th February 2022 at about 8.00 a.m. she went to school by auto-rickshaw. At about 11.00 a.m. she received phone call of Class teacher of her daughter stating that one person had done bad touch with her daughter and urinated on her leg, her daughter was in frightened condition. She should come immediately. Complainant informed this incident to her husband and went to school there she made enquiry with victim. Thereafter, she lodged the report.

3. It is contention of the learned counsel for the Applicant that Applicant was arrested on the basis of suspicious. The Applicant is a diploma engineer and he is serving in the Precision Camshaft Company as team member quality control and he is trying to take admission for degree course. The name of Applicant was not mentioned in the FIR. There is no criminal antecedents of the Applicant. The Applicant is only earning

member of his family. The Applicant is behind bar more than 18 months. Hence requested to allow the Application.

4. The learned APP submitted that, the alleged incident is captured in CCTV. The said CCTV footage shows that the act is done by the Applicant. On the basis of CCTV footage Police have apprehended the Applicant. The Applicant has not denied the said act, if the Applicant is released on bail he may threaten the victim and he may abscond. Hence requested to reject the Application.

5. The learned counsel for Respondent No.2 reiterates the submission of learned APP.

6. I have heard all the learned counsel.

7. The allegation against the Applicant are, he made bad touch to the victim and urinated on her leg. Investigation is completed and charge-sheet has been filed. The Applicant is

behind bar since more than 18 months. He is diploma Engineer and he wants to take admission for degree course. He is earning member of his family. His further detention is not required.

8. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.119 of 2022 registered with Fauzdar Chawadi Police Station, Solapur on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) The Applicant shall not enter the area where victim resides and shall not contact victim or her family members.

(iii) After his release from jail the Applicant shall attend the Chawadi Police Station, Solapur once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till the conclusion of the trial.

- (iv) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)