

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2639 OF 2022

Ravindra Bhaousaheb Nikalaje

... Applicant

V/s.

State of Maharashtra and Anr.

... Respondents

.....

Ms. Anjali Patil, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for Respondent-State.

Mr. Tohed Shaikh i/b. Mr. Yash Arora, Advocate for Respondent No.2.

.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th AUGUST 2023

P. C:-

1. By this Application, Applicant is seeking bail in C.R.No. 285 of 2022 registered with Powai Police Station, Mumbai for the offences punishable under Section 354 of Indian Penal Code (for short "IPC") and under Sections 8, 12 and 10 of the provisions of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").
2. It is prosecution case that on 01.04.2022 at about 5:30 p.m. complainant along with her daughter namely Vaishnavi, aged 3 years and her mother-in-law namely Pushpa had sat in front of their house.

At that time, neighbour Ravindra (Applicant) was passing from there, he called Vaishnavi, Vaishnavi took permission from her grandmother to go with Applicant. She granted permission for going with Applicant. Applicant took victim to his house. After some time, one neighbour Sangita reached there for looking Vaishnavi, at that time she saw Applicant had removed victim's innerwear and had touched her private parts. Then neighbour Sangita brought victim to the complainant from the house of Applicant and complaint was lodged against the Applicant.

3. It is the contention of learned Counsel for the Applicant that though Sections 8 and 12 of POCSO Act is applied but reading of Section 7 of POCSO Act, no offence is made out against the Applicant, as the complaint was lodged by the complainant on the hearsay incident. Applicant is behind the bar for more than 18 months. Applicant has deep roots in the society. Hence, requested to allow the Application.

4. It is the contention of learned APP, that Applicant took victim with him in his house and he committed offence. Victim was three years old. A *Prima facie* case is made out against Applicant. If

Applicant released on bail, he may threaten complainant and victim girl and requested to reject the Application.

5. Learned Counsel for Respondent No.2 has no objection to allow the Application.

6. I have heard both the learned Counsel.

7. The allegations against Applicant are that he removed the clothes of the victim and touched her private part. A complaint is lodged by mother of the victim. Applicant is behind bar for more than 18 months. Considering the allegations against the Applicant, no further detention of the Applicant is required.

8. In view of the above, I pass following Order:-

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 285 of 2022 registered with Powai Police Station, Mumbai, on executing P.R.Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or

change of residence or mobile details, if any, from time to time to the Investigating Officer.

- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.09.04
14:51:17
+0530