

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3389 OF 2022

Ajay Kumar Ojha @ Ajay Ambikaprasad Oza ...Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

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Ms.Anjali Patil, for the Applicant.  
Ms.P.N. Dabholkar, APP for the Respondent-State.  
Ms.Meghna A. Gowalani, for Respondent No.2.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 20<sup>th</sup> SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No.318 of 2022 registered with Sahar Police Station, Mumbai, for the offence punishable under Sections 376 of the Indian Penal Code ('IPC' for short) and Sections 4,8 and 10 of the Protection of Children From Sexual Offences Act, 2012 ('POCSO' for short).

2. It is prosecution's case that, Applicant had sexually harassed victim on 14<sup>th</sup> May 2022.

3. It is contention of the learned counsel for the Applicant that, in the statement before the Police victim has stated that allegedly Applicant had touched the private part of the victim. The punishment under Section 7 of the POCSO Act is three to five years and under Section 8 is three to five years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. The learned APP submitted that, Applicant had touched the private part of the victim. Victim has stated about act done by the Applicant. She has identified the Applicant as the person who committed act with her. It shows *prima facie* case against the Applicant. If the Applicant is released on bail, he may threaten the Victim and prosecution witnesses. Hence, requested to reject the Application.

5. It is contention of the learned counsel for Respondent No.2 that, *prima facie* case is against the Applicant. Hence, reject the Application.

6. I have heard all learned counsel. Perused FIR and charge-sheet.
7. It is alleged in the complaint that Applicant had inserted his fingure in the private part of the victim. The victim statement is recorded by the police. In the said statement victim has stated that Applicant has touched her private part. Investigation is completed and charge-sheet has been filed. The Applicant is behind bar more than 15 months.
8. Considering the above facts, further detention of the Applicant is not required.
9. In view of above, I pass following order.

### **ORDER**

- (i) The Applicant be released on bail in Crime No.318 of 2022 registered with Sahar Police Station, Mumbai, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) After his release from jail the Applicant shall attend the Sahar Police Station, Mumbai, once in a month i.e. on every 1<sup>st</sup> Monday of the month

between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) Application is allowed in the aforesaid terms.

**(SHIVKUMAR DIGE, J.)**