

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3088 OF 2023

Bhaskar Shivshankar Singh	...	Applicant
versus		
The State of Maharashtra and anr.		Respondents

Mr. Rakesh R. Singh, Advocate for the Applicant.

Mr. Kiran C. Shinde, APP for Respondent No.1-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th MAY, 2024.

P.C. :

1. By this application, the applicant is seeking bail in Crime No.I-209 of 2022 registered with Boisar Police Station, Palghar, for the offences punishable under Sections 376(1)(a), 376(3), 376(2)(f), 354 (a) of the Indian Penal Code, 1860 (for short "the IPC") and under Sections 4, 6, 8, 10, 12, 17 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").

2. It is the prosecution's case that applicant has sexually assaulted the victim i.e. daughter of the applicant.

3. It is the contention of learned counsel for the applicant that the applicant has been falsely implicated in this case and in the statement under Section 164 of Cr.P.C. recorded before the Magistrate, the victim has stated that she had made complaint against the accused i.e. her

father, out of anger and no such act was committed. Hence, requested to allow the application.

4. It is the contention of learned APP that the applicant has sexually assaulted his daughter. The allegations against the applicant proves that he is involved in the crime, if he is released on bail, he may threaten the prosecution witness. Hence, requested to reject the application.

5. I have heard learned counsel for the applicant and learned APP, perused the FIR and charge-sheet.

6. The allegations against the applicant are that he has sexually assaulted the victim. The statement under Section 164 of Cr.P.C. of the victim recorded by the Magistrate shows that the victim had made allegations against the applicant and accused No.2-mother of the victim, out of anger. This Court has released accused No.2 on bail by order dated 30th August 2023. The investigation is completed, charge-sheet has been filed, hence, further detention of the applicant is not required.

7. In view of above, I pass following order :

- (I) The applicant be enlarged on bail in Crime No.I-209 of 2022 registered with Boisar Police Station, Palghar, on executing P.R.Bond in the sum of Rs.15,000/- with one one or two solvent sureties in the like amount.

- (ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- 8. The application is allowed in the aforesaid terms and is accordingly disposed of.
- 9. All concerned to act upon the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)