

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

BAIL APPLICATION NO. 2143 OF 2024

Siddharth Vijay Singh ... Applicant
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. Omkar Dhakal for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent No.1-State.
Ms. Ankita Nishad (through V.C.) for Respondent No.2.
Mr. Maruti Hirave, PSI, Charkop Police Station.

**CORAM: MANISH PITALE, J.
DATE : 13th DECEMBER 2024**

P.C. :

. Heard learned counsel for the applicant, learned APP for the respondent-State and the learned counsel appointed to appear on behalf of respondent No.2.

2. The applicant in the present case was arrested on 4th October 2023 in connection with FIR No. 0454 of 2023 dated 4th October 2023 registered at Charkop Police Station, Brihanmumbai, for offences under Sections 354 and 354-D of the Indian Penal Code, 1860 (IPC) and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

3. The informant in the present case is the mother of the victim. It is stated that the victim girl was about 13 years old when

the incident took place. It is alleged that the applicant was teaching music to the minor victim girl. The informant and her husband noticed that their daughter i.e. victim used to be constantly on the mobile phone. It was found that she was in touch with the applicant on social media, including *Instagram* etc. It is alleged that despite the applicant being told to dissuade from such conduct, he continued to pursue the victim and that he also kissed her. This has resulted in registration of the aforesaid offences.

4. This Court has considered the material on record, as the investigation has been completed and the charge-sheet has been already filed.

5. Although, consent would be irrelevant in the present case, as the victim was only 13 years old, at the time of the incident, it is relevant to note that while giving history at the stage of medical examination, it was stated that the victim had given permission to the applicant to behave in the aforesaid manner with her. A perusal of the messages exchanged between the two also indicates that the victim had expressed her love and affection for the applicant. Considering the fact that the applicant, at the relevant time was 25 years old and the victim was 13 years old, there is substance in the grievance raised by the parents of the victim.

6. Nonetheless, it cannot be ignored that the maximum sentence for imprisonment that can be imposed, even if the

applicant is to be convicted in the present case, would be for a period of 5 years. This is because the offences under Section 354 of the IPC and Sections 8 and 12 of the POCSO Act, provide for sentence of imprisonment ranging from one year to five years.

7. It is relevant to note that the applicant has already suffered incarceration for a period of more than one year and two months, which is near about $1/3^{\text{rd}}$ of the maximum sentence that can be imposed upon the applicant.

8. Taking an overall view of the circumstances, this Court is of the opinion that no purpose would be served by continuing the incarceration of the applicant, as the trial would take its own time. It does not appear that charge has been framed in the present case, thereby indicating that the trial may not even commence in the near future.

9. In such circumstances, this Court is inclined to impose stringent conditions on the application, while enlarging him on bail.

10. In view of the above, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with FIR No. 0454 of 2023 dated 4th October 2023 registered at Charkop Police Station, Brihanmumbai, on furnishing P.R. Bond of Rs. 50,000/- and one or two

sureties in the like amount.

- (b) The applicant shall not, in any manner, contact the victim during the pendency of the trial.
- (c) Considering the fact that the informant and the victim are residences of Kandivali, Mumbai, during the pendency of the trial, the applicant shall not enter Kandivali (East and West).
- (d) The applicant shall cooperate with the trial Court for expeditious trial and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- (e) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.
- (f) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

11. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application is disposed of.

MANISH PITALE, J.