

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

Anticipatory Bail Application No. 3179 of 2024

Rajesh Sawant S/o. Ramchandra Sawant
Aged 53 years, Occupation: Service,
An Indian Inhabitant of Mumbai,
R/o. 403, Shiv Ganesh Co-operative
Housing Society Limited, Jivan Vikas
Kendra Marg, Koldongari, Vile Parle East
Mumbai – 400 057.

... Applicant

Versus

The State of Maharashtra
Through Inspector-in-charge of Vile Parle
Police Station, to be served through
Public Prosecutor of High Court
of Judicature at Bombay

... Respondent

Mr Anand Kandoi, a/w. Mr Kevin Gala, for the applicant.
Mr Yogesh Y Dabke, APP, for the respondent/ State.
PSI Mohite, Vile Parle Police Station, Mumbai, is present.

**Coram: R.N. Laddha, J.
Date: 25 November 2024.**

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.287 of 2024, registered at Vile Parle Police Station, Mumbai, for offences punishable under Section 509 of the Indian Penal Code read with Section 12 of the

Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that since the informant and her husband were employed, they entrusted their daughter, the victim, aged about seven years and six months, to a Day Care Centre run by one Sakshi Sawant. On 21 December 2023, the victim girl informed her mother/the informant that the applicant/accused, who is Sakshi Sawant's husband, had shown his bump to her twice and pulled her close to him. On one occasion he invited her into bedroom and complimented her beauty. As a result of the applicant's actions, the victim felt embarrassed and her modesty was outraged.

3. Mr Anand Kandoi, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present case, and the incident described by the informant did not occur. The investigation has been concluded, and nothing is to be recovered or discovered from the applicant. The applicant has already appeared before the investigating officer and cooperated with the investigation. Additionally, there is a significant delay in filing the FIR.

4. On the contrary, Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, contends that the offence in question is of a grave and serious nature.

There is a significant risk that the applicant, if released, may attempt to tamper with evidence or influence the witnesses.

5. Upon perusing the records, it appears that there was a significant delay in lodging the FIR. According to the FIR, the incident occurred between 18 September 2023, and 21 September 2023. The victim girl disclosed the incident to her mother, who is the informant, in December 2023. However, the FIR was not lodged until March 2024. Additionally, the investigation has been completed, and the charge sheet has been filed. There are no allegations of assault against the applicant. In the circumstances, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order.

ORDER

- (i) In the event of applicant's arrest in CR No.287 of 2024, registered at Vile Parle Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.
- (ii) The applicant shall regularly attend

the jurisdictional Court for expeditious disposal of trial.

6. The applicant stands disposed of accordingly.

[R.N. Laddha, J.]