

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2221 OF 2015

Dinesh s/o Rajkumar Gupta	.. APPLICANT
Versus	
State of Maharashtra	.. RESPONDENT

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Shri S.B.Vavare h/f Shri G.P.Mapari ,Advocate for applicant
Shri A.S.Shinde,APP for respondent State

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CORAM : V.M.DESHPANDE,J.
DATED : 6TH MAY, 2015

ORDER :-

This is an application for regular bail since the applicant is arrested in connection with Crime No. II-01/2014 registered at MIDC CIDCO Police Station, Dist.Aurangabad for offences punishable under Section 3(A) and 4 of the Protection of Children from Sexual Offences Act.

2] Heard Shri S.B.Vavare, learned counsel for applicant who submitted that the charge sheet is filed and therefore, custodial presence of the present applicant is not necessary. He also invites my attention to the medical certificate of the minor boy and submitted that the false implication at the behest of the victim minor boy cannot be ruled out.

3] Statement of the learned counsel for the applicant is devoid of any substance. The statement of the victim shows that the applicant has committed sexual assault on the minor boy. It is also revealed from his statement that he has placed confidence on the present

applicant by calling him maternal uncle, however, the present applicant has taken disadvantage of his relation and has committed atrocious act on a boy of tender age, which must had resulted into tremendous impact on the mind of the victim which shall remain forever. From the charge sheet, it is clear that he is resident of village Pimpra, Humel, Post.Sukrawali, Tq. Hata, Dist.Kushinagar Uttar Pradesh. Therefore, if applicant is released on bail, it will be very difficult to secure his presence. Looking to the nature of accusation against applicant, at this stage, there is no reason to disbelieve the innocent victim. There was and there is no reason for the said innocent boy to falsely implicate the present applicant. In that view of the matter, present application is rejected.

(V.M.DESHPANDE,J.)

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