

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 378 OF 2015**

Harish Eknath Lad	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Savita Mundra for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

MONDAY, 23RD FEBRUARY, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 609 of 2014 registered with the Andheri Police Station for the alleged offences punishable under Sections 354 and 506 of the Indian Penal Code along with Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. According to the prosecution, the applicant was working as a driver on a private school van which would pick up students from their

residence to go to Bombay Cambridge School at Chakala, Andheri (East), Mumbai. The victim is aged nine years, studying in the said School. According to the prosecution, on 4th December, 2014, in the evening, as the victim girl was unwilling to return home in the private school van driven by the applicant, on being asked the reason for the same, it is alleged that the victim disclosed that the applicant was touching her shoulders, chest, stomach and thighs. The victim had also disclosed that the applicant was touching her almost every day, after the school reopened after Diwali Vacation, and that he was threatening her with a small razor-like knife, that she should not disclose the same to anyone. On being informed of the same by the victim girl to the school authorities, the school authorities called the victim's mother and disclosed the same to her. Pursuant to which, the Supervisor of the Primary Section, Bombay Cambridge School lodged an FIR, as against the present applicant, alleging the aforesaid offences.

4. The learned Counsel for the applicant states that the investigation is complete and charge-sheet is filed and that the applicant be released on bail on such conditions as may be imposed by this Hon'ble

Court. He further submitted that there is a discrepancy in the victim's disclosure with regard to the applicant threatening the victim with a razor-like knife. Learned A.P.P strongly opposed the application.

5. Perused the charge-sheet, more particularly, the statements of the informant; mother of the victim girl; the statement of the victim girl and the medical case papers. The victim girl was only nine years of age and was being inappropriately touched by the applicant, who was aged 23 years. These kind of crimes are on the rise. The applicant's duty was to ensure safe and proper custody of the victim to and from the residence to the school. Considering the seriousness of the allegations and the possibility of the applicant tampering or threatening the witnesses in the case, it is not desirable to enlarge the applicant on bail. Considering the facts of the case, the application for bail is rejected. However, the trial is expedited.

REVATI MOHITE DERE, J.