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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1063 OF 2015**

Sanjay Ramesh Thokal	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.E.R.Naik, for the Applicant

Ms.P.P.Shinde, A.P.P for the Respondent-State

PSI – Galanade, Parksite Police Station, Mumbai

***CORAM : REVATI MOHITE DERE, J.
DATE : 30th OCTOBER, 2015***

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 C.R. No. 7 of 2015 registered with the Parksite Police Station, Mumbai for the alleged offences punishable under Sections 376(D), 354(a) of the Indian Penal Code and under Sections 4, 8 and 10 of Protection of Children from Sexual Offences Act.
3. The complainant is the mother of the prosecutrix. The prosecutrix at the relevant time was aged 10 years. The co-accused Abdul

Rahim Rashid Shaikh was residing in the house of the prosecutrix and is a relative of the prosecutrix's mother. It appears that the present applicant along with two co-accused have committed the alleged offence.

4. Learned Counsel for the applicant states that the applicant is a 22 year old boy and has no antecedents. He submits that the applicant has been falsely implicated and involved in the said case. He relied on the final opinion given by the Hospital which opinion according to him shows that there was no signs suggestive of forceful vaginal/anal intercourse by penis or non-penile structure.

5. Learned APP opposed the bail application. She submitted that the prosecutrix is a minor aged 10 years. She submitted that the accused have taken advantage of the prosecutrix and have committed forcible sexual intercourse with her. She submitted that the prosecutrix in question no.8 has clearly named the applicant who sexually abused her.

6. Perused the statement of the prosecutrix including her 164 statement. Also perused the medical case papers. The final opinion which

is relied upon by the learned counsel for the applicant shows that 1 ½ month after the incident of sexual violence, the said opinion was given. The medical history given to the doctor by the prosecutrix and her mother and the prosecutrix's statement are consistent. It clearly shows the complicity of the applicant.

7. Considering the nature of allegations and the role attributed to the present applicant, prima-facie, this is not a fit case to enlarge the applicant on bail.

8. Hence, the Application for bail is rejected and disposed of as such.

9. Needless to observe that the trial court shall decide the case on its own merits uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.