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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1931 OF 2015

Sagar Prakash Ahire

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Kishor G. Pashte for Applicant.

Ms. M.H. Mhatre, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 7th December 2015.

P.C.

1 The applicant is seeking bail in CR No.117 of 2015 registered with Vinoba Bhave Marg Police Station, Mumbai under Section 377 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short POCSO Act).

2 The victim boys are aged 4 and 6 years respectively. The mother of the victim boys had registered the first information report dated 10.4.2015. The facts mentioned in the first information report exhibits horrible mental and physical trauma suffered by the victim boys at the hands of the applicant. The facts narrated by the mother of the victim boys

need not be elaborated at this stage with a view to protect the identity of the victim boys and for the sake of brevity. After lodging the first information report on 10.4.2015, the statements of the minor children aged 4 and 6 years respectively under Section 164 of the Cr. P.C. have been recorded by the Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai on 22.7.2015. The victim boys in unequivocal terms have pointed the finger of guilt towards the applicant. The said statements corroborates the statement of the complainant. It appears from the statement of the mother and the said two minor children that with a view to satisfy his unnatural lust, the applicant has committed the present heinous crime.

3 The learned Counsel for the applicant submitted that the victims were tutored by their mother and in the presence of their mother the said statements under Section 164 of Cr. P.C. came to be recorded. Though the said argument appears to be attractive, need its rejection at its threshold because there was no necessity for the victim boys to implicate the applicant falsely in the crime of such a heinous nature. Even in the statement of their mother, it has been specifically mentioned that whenever the said victim boys used to even have a glance of the applicant, they used to get scared and hide themselves. This shows the enormous trauma suffered by the victim boys in the present crime.

4 I have perused the entire chargesheet annexed to the application. I am of the considered opinion that the allegations against the applicant are of very serious in nature. The present crime is very heinous crime. If the applicant is released on bail, there is every possibility that he shall tamper with the prosecution evidence.

5 For the reasons stated above, the application is dismissed.

(A.S. GADKARI,J.)