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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1932 OF 2015

Kanhaiya Anubhai Rajput

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Durgesh P. Jaiswal 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.156 of 2015 dated 26.4.2015 registered with Ghatkopar Police Station, Mumbai under Sections 354 (A), 509, 452 of the Indian Penal Code and Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short POCSO Act).

2 The complainant, the father of the victim girl has lodged the first information report dated 26.4.2015 thereby mentioning the facts about the present crime. He is also an eye-witness to the said incident. With a view to conceal the identity of the victim girl, the facts mentioned in the

first information report need not be reproduced here. Suffice it to say that after the complainant observed that his daughter was being sexually assaulted as contemplated under Section 7 of the POCSO Act, he tried to apprehend the applicant on the spot, however, the applicant was successful in fleeing the scene of offence. The record further discloses that the statement of the victim girl was also recorded by the Investigating Agency wherein the said victim girl has specifically narrated the said incident thereby attributing a specific role to the present applicant. According to me the statement of the victim girl corroborates the statement of the complainant in its totality.

3 The learned Counsel for the applicant submits that the victim girl was tutored by her father to give such statement. He further submitted that the father of the victim girl was having enmity with the present applicant and therefore at the behest of father of the victim girl, the said victim girl has given the said statement. Prima facie I am of the opinion that the said submission is de hors of merits and is a far fetched imagination of the learned Counsel for the applicant. It is to be noted here that the victim girl has no reason to falsely implicate the applicant who is the neighbour of the said victim girl, wherein she was sexually assaulted. The applicant was in a position of trust or authority of the said child while

committing sexual assault on the victim as contemplated under Section 7 of the POCSO Act in the house. The material available on record in the form of statements, is sufficient to show the complicity of the applicant in such heinous crime.

4 For the reasons stated above, I am not inclined to grant bail to the applicant. The application is dismissed.

(A.S. GADKARI,J.)