

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICARTION NO.2017 2015

Sagar Rupaji Dhuri (Baburao)	..Applicant
-Versus-	
State of Maharashtra	..Respondent

Mr. Yatin S. Khochare for applicant
Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 22nd December 2015.

P.C.

1] The applicant is seeking bail in C.R.No.163 of 2015 dated 18th April 2015 registered with Powai Police Station, Mumbai under sections 377 and 342 of IPC and Sections 4 and 8 of Protection of Children from Sexual Offences Act, (POCSO).

2] With a view to protect the identity of the victim and in view of the mandate of section 298-A of the IPC, the elaborate narration of the facts are avoided in the present order. Suffice it to mention that after the victim girl aged about 5 years, informed her mother about the commission of the offence by the applicant, police investigated

the said crime and have submitted the final report in the court of competent jurisdiction.

3] Learned Counsel for the applicant submitted that the victim girl herself has at the first instance stated to her mother that there are no injuries on her body or on her private parts. The statement of victim girl which was recorded immediately on 18th April 2015 also does not disclose that she suffered any injuries. Learned Counsel for the applicant further submitted that the applicant was arrested on 18th March 2015 and since then, he is in jail. He lastly contended that the scene of offence panchanama discloses that the said room was having two doors and after the eye witness knocked the rear door, it was incumbent on the part of the applicant to flee away from the scene of offence from the front door, however, he did not run away from the scene. According to him, therefore, this shows that the applicant is falsely implicated in the crime.

4] It is the settled position of law that in an offence of sexual assault, the statement of victim girl, if found to be reliable and trustworthy, is sufficient to base conviction. I have perused the

entire charge sheet. The FIR lodged by the mother of victim girl is fully corroborated by the said minor victim. The victim girl in her statement which is recorded in, question and answer form, have specifically attributed the role of sexual assault in the present crime, to the applicant. The witness namely Smt. Manisha Masurkar, who after information that the applicant has closed the door after taking the victim girl inside the said room has seen the said fact from the gap of the doors. The said witness has also corroborated the statement of the victim girl.

4] Section 7 of the POCSO Act defines the act of sexual assault and, therefore, section 8 of the said Act is applied herein. After taking into consideration the evidence on record, I am of the considered opinion that the applicant is the perpetrator of the present crime and does not deserve any sympathy for releasing him on bail. In view of the aforesaid, I find no merit in the application and the application is accordingly rejected.

(A.S.GADKARI, J)

