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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 195 OF 2016**

Pitambar Jatan Baviskar @Paniwala

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Firoz A. Ansari, for the Applicant

Ms.R.M.Gadhavi, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd MAY, 2016

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. I-77 of 2015, registered with the Ayesha Nagar Police Station, Malegaon, for the alleged offences punishable under Sections 377 of the Indian Penal Code and under Section 4 of Protection of Children from Sexual Offences Act.
3. The complainant is the mother of the victim boy. According to

the prosecution, the present applicant aged 58 years, lured the victim boy, aged 5 years with biscuits and money and committed sexual assault on the child. According to the complainant, on seeing the conduct of her son, she suspected that something was wrong and hence went to the house of the applicant, where she saw that the applicant had inserted his private part in the victim's mouth.

4. Learned Counsel for the applicant submitted that the applicant is innocent and has not committed any offence. He submitted that the applicant has been falsely implicated in the said case.

5. Perused the papers, in particular, the statement of the victim boy, aged 5 years. In the statement, the victim boy had specifically stated the manner in which he was lured by the applicant with biscuits and money and how the applicant committed sexual assault on him. He had also stated that on such occasion, his mother came to the spot and witnessed the said act, pursuant to which the aforesaid complaint came to be lodged. There are statements of neighbour and friends of the victim boy, which show, that they were aware that the victim boy was being lured by the applicant with

biscuits and money and that the applicant would call him to his residence. Medical certificate of the victim boy shows that he had angular stomatitis on the side of the lips which may be due to genital infection transmitted from other person.

6. Considering the material as against the applicant, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the Application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited.

8. 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.