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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 313 OF 2016**

Aliyas alias Almas Amir Husain Alam	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.U.V.Mohite, for the Applicant

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

PSI – Santosh B. Chavan, Taloja Police Station.

***CORAM : REVATI MOHITE DERE, J.
DATE : 2nd APRIL, 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-130 of 2015, registered with the Taloja Police Station, for the alleged offences punishable under Sections 376, 363, 341, 506 of the Indian Penal Code and under Sections 3, 4, 5(1) and 6 of Protection of Children from Sexual Offences Act.

3. The complainant is the mother of the prosecutrix, aged 15 years. She has alleged that the applicant was trying to develop close contact with the prosecutrix, however he was warned not to do so. She has alleged that on 26th September, 2015, the prosecutrix contacted her on phone and asked her to come to Kurla Railway Station. It is alleged that the prosecutrix disclosed the whole incident to the complainant, who thereafter lodged the aforesaid FIR.

4. Learned Counsel for the Applicant submitted that the contents in the FIR are doubtful. He submitted that the statement of the prosecutrix does not inspire confidence. According to him, the medical certificate also does not show that the prosecutrix had suffered any injuries.

5. Perused the charge-sheet, in particular the statement of the prosecutrix. The prosecutrix has categorically stated, how the applicant was stalking her and was trying to come close to her. She has also stated that pursuant to the harassment and stalking by the applicant, her family members had left the residence and moved to another place. According to the prosecutrix, thereafter again the applicant started stalking her on her

way to work and started threatening her that he would commit suicide, if the prosecutrix did not meet him. He is also alleged to have stated to her that he would kill her mother. According to the prosecutrix, the applicant on 25th May, 2015, lured her on the pretext of giving her a dress and took her to his home. It is alleged that he locked her up in the room and thereafter committed forcible sexual intercourse with her. She has alleged that thereafter the applicant let her go and thereafter she left his home on 26th May, 2015 and went to Kurla Railway Station and called her mother and brother-in-law on phone and asked them to come to Kurla Railway Station and disclosed to them the entire incident. The medical certificate shows that the hymen was not intact. The prosecutrix was only 15 years and the applicant was about 35 years at the relevant time.

6. Considering the statement of the prosecutrix, this is not a fit case to enlarge the applicant on bail.

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

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.