

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1791 OF 2016

Mr.Vishal Kumar Shrivastav Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. I.B. Singh i/by Sonal Mishal for the applicant.
Mrs. L. S. Lohokare, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 14th October, 2016

P.C.

1. The applicant is apprehending arrest in CR No.0190/2016 registered with Mira Road Police Station, District-Thane (Rural) under Section 354A, 506 of the I.P.C. and under Section 8 of the Protection of Children from Sexual Offences Act.

2) Heard the learned counsel for the applicant and the learned APP and also perused the documents annexed to the application and the papers of investigation.

3) The first information report is lodged by the mother of the victim girl who is aged about 12 years. With a view to protect the identify of the girl and in consonance with the provisions of Section 228(A) of the Indian Penal Code, the detailed narration of facts mentioned in the present application, the first information report and in the

statement of the victim girl are hereby avoided. Suffice it to note that on the basis of the first information report lodged by the mother of the victim girl, alleging that the victim girl was sexually assaulted by the applicant on 7.8.2016, the first information report is lodged on 27.8.2016.

4) The learned counsel for the applicant submitted that the first informant in her report has not explained the delay of two weeks in lodging the first information report. He further submitted that the father of the victim girl was very much present in the city and was not at Pune at the relevant time. He therefore, submitted that the alleged explanation given by the informant in lodging the first information report cannot be accepted. He further submitted that the applicant is ready and willing to attend the Investigation Officer and to co-operate the process of investigation and he may be protected by pre-arrest bail.

5) I have perused the first information report and the papers of investigation. The police have recorded the statement of the victim girl in presence of her mother and the member of Mahila Dakshata Committee of Mira Road. The victim girl in her statement in clear terms attributed the role of sexual assault to the applicant. She has categorically stated that when the said sexual assault was committed the daughter of the applicant was in the house, however the applicant had locked the door of the said bedroom from outside. She has further stated that the applicant had also threatened her with serious

consequences if she discloses the said fact to anybody..

6) The statement of the victim girl prima facie inspires confidence and it further appears that the said statement is truthful and reliable. The act alleged against the applicant is serious in nature. The victim girl is 12 years of age and is also friend of the daughter of the applicant. It appears from the record that the trust bestowed upon the applicant by the victim was betrayed by him while committing the offence.

After taking into consideration the serious allegations against the applicant and the gravity of the offence in the considered view of this Court this is not a case to protect the applicant by way of pre- arrest bail.

7) The application is therefore, rejected.

(A.S.GADKARI, J.)