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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2540 OF 2015**

Joy Rajendran

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Nandkumar Vasudeo Sawant, for the Applicant

Mr.Arfan Sait, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 29th MARCH, 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. 47 of 2015, registered with the Rasayani Police Station, Raigad, for the alleged offences punishable under Sections 376, 376(i), 377, 354(a), 323, 506 of the Indian Penal Code and under Sections 4, 8, 19 and 21 of the Protection of Children from Sexual Offences Act.
3. The complainant is a Police sub- inspector of Rasayani Police Station. According to the complainant, 'Shanti' orphanage was being run at

Village – Chambharli, Karjat, District – Raigad, by the mother of the applicant and that there were 11 girls and 7 boys, in the said orphanage. He has stated that when President of the Child Welfare Committee, Karjat and others visited the orphanage on 29th April, 2015, they found that the said institution was being run, without obtaining any permission from the government and hence they took charge of girls and boys and sent them for medical examination on 6th May, 2015. After medical examination, the President of the Child Welfare Committee, Karjat submitted a report along with the medical case papers, pursuant to which, the aforesaid complaint was lodged.

4. Learned Counsel for the applicant submitted that the incident alleged is of 29th April, 2015 and the present complaint has been lodged after almost 1 ½ month i.e. on 10th June, 2015. He submitted that in the FIR, the names of two girls who were allegedly sexually assaulted was not disclosed and that only subsequently i.e on 11th June, 2015, the statements of the two girls came to be recorded, in which for the first time, the said girls have alleged sexual assault by the applicant. He submitted that the medical case papers show that there were no complaints made to the

doctor nor any history of any major medical illness was disclosed nor any external injuries were seen nor any history of any sexual assault was given. He submitted that the applicant is a young boy, aged 19 years, studying in a College and as such he be enlarged on bail.

5. Learned APP opposed the bail application. He submitted that the statements of the two victim girls clearly discloses the complicity of the applicant. He relied on page nos.43 and 44 of the application i.e. the statements of the two girls as well as the medical report, which is on page 117 of the application.

6. Perused the charge-sheet, more particularly the statements of the two girls who have disclosed the alleged acts of sexual assault by the applicant. The statement on page 43 is of a girl, aged 7 years. She has in an answer to question no.16 disclosed the sexual assault committed by the applicant. Similarly, the statement on page 44 is of a girl aged 5 years. She has in an answer to question no.13 stated that the applicant had taken her to the bathroom, removed her clothes and had touched her private part with his finger.

7. Perused the papers. The nature of allegations are serious. Considering the acts of the applicants as disclosed by the 2 small girls and the specific role attributed to the applicant, this is not a fit case to enlarge the applicant on bail.

8. Accordingly, the Application for bail is rejected and disposed of as such. However, considering the peculiar facts and circumstances of the case, the trial of the applicant is expedited. The learned Special Judge is requested to dispose of the case as expeditiously as possible.

9. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application and the learned Judge shall decide the case on its own merits, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.