

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 404 OF 2017**

Sarfaraaj Faridullah Khan @ Siddiqui	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Ramesh C. Mishra for the Applicant

Ms. Veera Shinde, A.P.P for the Respondents-State

PI Mr. Amol Tamke from Wadala T.T. Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 10th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 80 of 2016 registered with the Wadala T. T. Police Station, for the alleged offences punishable under Section 377 of the Indian Penal Code and under Section 4 of the Prevention of Children from Sexual Offences Act.

3. Learned Counsel for the applicant states that the applicant is in custody since 16th February, 2016 and that investigation is complete and charge-sheet is filed. He submits that the applicant has been falsely implicated in the said case. He further submits that the applicant is only 23 years of age and as such, his continued detention is not necessary.

4. Learned A.P.P opposed the application.

5. Perused the papers. The victim boys are aged 4 and 5 years. The applicant was working in the garment manufacturing company of the victim's father for about two years. According to the prosecution, the incident took place on 15th February, 2016. It is alleged that when the victim's father went out of the factory, the applicant forcibly put his penis into victims' mouth and did oral intercourse, after which, the applicant left that place. Pursuant thereto, the victim boys informed their mother and the aforesaid complaint was lodged. Both the victim boys were examined by the hospital. The history given by one of the boys is; that the applicant was working in his father's company; that on 15th February, 2016, the applicant had inserted his penis in his mouth. The whole act lasted for 15 seconds

and then accused ejaculated in the toilet. The applicant was arrested on 16th February, 2016 and was brought for medical examination on 17th February, 2016 at 1:40 p.m. The statement of the other victim boy is also similar. The Chemical Analyser's report shows, presence of semen stains, on the clothes of the victim boys and the applicant.

6. Considering the serious allegations as against the applicant, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.