

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 593 OF 2017**

Mohammed Abdul Mannan Abdul Rosid Shaikh ...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. A. Karim Pathan I/b Mr. Shaikh Abdul Kalam for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
MONDAY, 21st 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. 386 of 2015 registered with the M.H.B Colony Police Station, Mumbai, for the alleged offences punishable under Sections 366, 376(2)(I)(L) and 506 of the Indian Penal Code and Sections 5(k)(l), 6, 8, and 12 of the Protection of Children from Sexual Offences Act.
3. Perused the papers, in particular, the statement of the prosecutrix aged 15 years. It appears that the victim girl was mentally challenged. According to her statement, the applicant aged 46 years took

her to a remote place and sexually assaulted her. The said incident was disclosed by the prosecutrix to her friend, after which, her parents were informed. The medical examination of the prosecutrix shows that the history given by her/parents is consistent with her statement. The medical Officer has given an opinion that there is evidence of recent vaginal penetrative sexual intercourse. The incident alleged is of 26th and 27th October, 2015 and the FIR has been lodged after that on 28th October, 2015.

4. Considering the nature of allegations as against the applicant, this is not a fit case to enlarge the applicant on bail. The application is accordingly rejected. However, the trial is expedited.

5. 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.