

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1220 OF 2017**

Sunil Laxman Rajguru

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. R. L. Gurnani with Mr. Umesh Waghmare I/b Mr. Bhimrao S. Kamble
for the Applicant

Mr. Ajya Patil, A.P.P for the Respondent-State

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. 5 of 2017 registered with the Wadala Police Station, for the alleged offences punishable under Sections 376, 354(A), (B), 323, 504, 506(2), 509 of the Indian Penal Code and under Sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act.
3. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case. He submitted that it is highly improbable that the applicant (victim's father) would behave with his

daughter in such a manner. He submitted that the applicant's wife (complainant) has made false allegations as against the applicant, as she wanted the house to be transferred in her name. He submitted that considering the nature of allegations, at the highest, the punishment would be upto 5 years.

4. Learned A.P.P opposed the application. He submitted that the applicant, as a father, had misbehaved and outraged the modesty of his daughter, aged 8 years.

5. Perused the papers. The complainant is the wife of the applicant. They were married in May, 2002 and from the said wedlock, they have 3 children. It appears that when the complainant was staying with the applicant along with her children, after returning back from her paternal house, the alleged incident took place. The complainant has alleged that she had left for matrimonial home because of the harassment of the applicant. The complainant has alleged that when she came to Wadala to stay with the applicant, the applicant misbehaved with their daughter, aged 8 years.

6. A perusal of the statements of the victim girl aged 8 years recorded under Section 161 and Section 164 of the Cr.P. C. shows the manner in which the girl's modesty was outraged. The applicant-her father had betrayed the trust reposed in him by his daughter. She has alleged that the applicant took her for shopping and asked her whether he could touch her private parts, etc.

7. Considering the nature of allegations made against the applicant, this is not a fit case to enlarge the applicant on bail. The possibility of the applicant tampering with the witnesses, more particularly, the victim girl-his daughter, cannot be ruled out.

8. The application is rejected. However, the trial of the applicant is expedited. The learned Judge shall make an endeavour to dispose of the case as expeditiously as possible and in any event, within 9 months from the date of receipt of copy of this order.

9. If, for no fault of the applicant, the trial does not conclude within the said period, the applicant is granted liberty to file a fresh application for his enlargement on bail.

10. 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.