

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1539 OF 2017

Sunil Vinayak Zende .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. H. E. Mooman & Mr. V. J. Zende i/b. Sherali S. Khan, Advocate, for
the Applicant

Mr. V. V. Gangurde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.60 of 2017 registered with the Tilaknagar Police Station, Mumbai, for the alleged offences punishable under Sections 354, 504, 506(2), 509 of the Indian Penal Code and under Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

3. Learned counsel for the Applicant submits that the

Applicant has been falsely implicated in the said case, due to the matrimonial dispute between the Applicant and the Complainant. He submits that at the behest of the Complainant, his daughter (victim), has made false allegations as against the Applicant. He submits that investigation is complete and charge-sheet is filed.

4. Learned APP opposes the Application.

5. Perused the papers, in particular, the statement of the prosecutrix, aged 14 years. The Applicant is the father of the prosecutrix. She has alleged that for about one year, prior to the lodging of the complaint, the Applicant would come and sleep next to her; would remove her clothes, would undress himself and would touch her inappropriately. She has stated that she had disclosed the said incident to her mother i. e. the Complainant as well as the School Principal, pursuant to which, the Principal called her mother, took the help of Child helpline and lodged the aforesaid complaint.

6. Considering the statement of the victim girl, this is not a fit case to enlarge the Applicant on bail. The possibility of the Applicant tampering and intimidating the witnesses in the facts, also cannot be

ruled out. Hence, the Application stands rejected. However, the trial of the Applicant is expedited. The learned Judge shall make an endeavour to decide the case as expeditiously as possible and preferably within nine months from the date of framing of the charge.

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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)