

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

BAIL APPLICATION NO.1827 OF 2017

Datta Hardas Pol	.. Applicant
vs	
State of Maharashtra	.. Respondent

Mr.A.A.Devkhile for Applicant
Ms.S.S.Kaushik APP for State

Coram : A.S.GADKARI, J
Date : 16th NOVEMBER 2017

P.C.

1. This is an application under section 439 of the Cr.P.C. for bail in C.R.No.381 of 2016 dated 18.8.2016 registered with Warje Malwadi Police Station uunder section 376 of IPC and under sections 4,6 and 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO) Act.

2. The victim girl in the present case is a minor aged about 14 years. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228 (A) of the Indian Penal Code, detailed narration of facts mentioned in the First

information report and in the statements of the witnesses is hereby avoided.

3. It is the prosecution case that on 18.8.2016 between 1.45 p.m. to 2.15 p.m. the victim girl had been to answer nature's call in the shrubs behind her residence. At that time, one unknown person forcibly sexually assaulted her. The victim got frightened and rushed to her house and informed the said fact to her parents. Her parents thereafter, searched for the accused in the vicinity but, nobody was found on the spot. The police thereafter, as per information given by the victim girl prepared a sketch of the suspect. The said sketch which was thereafter circulated to all concerned police stations in the district. A witness by name Bhagwat More saw the Applicant wandering in the vicinity of the said spot and found that the sketch which was published by the police in the present crime tallies with the features of the Applicant. The police were thereafter informed about the same. The police after due verification arrested the Applicant on 1.1.2017. After completion of the investigation, the police have submitted the charge sheet.

4. Perused the charge sheet. The record indicates that the victim girl has given a detailed description of the said unknown person who committed the sexual assault on her. It is to be noted that the said victim girl has identified the Applicant in the Test Identification Parade as the very person who committed the present offence.

5. *Prima facie*, it appears that there is sufficient material on record showing the complicity of the Applicant in the present crime. The offence alleged against the Applicant is heinous in nature. This Court therefore, is of the view that the Applicant does not deserve to be released on bail.

6. Hence, Application stands rejected.

(A.S.GADKARI, J)