

Anand

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

BAIL APPLICATION NO.2530 OF 2016

Yogesh Bhikaji Boril

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Aniket U. Nikam, Advocate, for the Applicant

Mrs.Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.04.2017

P.C.

. Heard learned counsel for the Applicant and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.80 of 2016 registered with the Vani Police Station, Nashik, for the alleged offences punishable under Sections 376, 354A, 354B, 51 of the Indian Penal Code (For short "IPC") and under Sections 4, 8, 12 & 18 of the Protection of Children from Sexual Offences Act (For short "POCSO")

3. Learned counsel for the Applicant submits that the

material on record shows that the provisions of Section 376 will not be attracted and that neither Section 4 of the POCSO will apply. He submitted that the Applicant was under the influence of alcohol at the relevant time.

4. Learned APP opposes the Application.

5. Perused the papers.

6. The victim girl was 8 years of age and the Applicant was 35. The Applicant was a teacher in the School where the victim girl was studying. From the statements of the witnesses, it appears that the Applicant had taken the victim girl to the backyard of the School and had attempted to rape the victim girl. The Applicant had lowered his pant and underwear and had also forcibly removed the clothes of the victim girl. However, as some persons arrived at the spot, the Applicant was apprehended. Prima facie, there are eye witnesses to the incident. Fortunately, the victim girl aged 8 years was saved by the persons from the clutches of the Applicant. The possibility that the Applicant will tamper with the evidence cannot be ruled out.

7. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

8. 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.)