

17- BA 1336 of 2018

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

BAIL APPLICATION No. 1336 OF 2018

Sagar Dnyaneshwar Dhotre

..Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Kshitija Govind Sarangi for Applicant

Mr. N.B. Patil -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 23, 2018

P.C.

1. Heard. This is an application under section 439 of the Criminal Procedure Code.

2. The Applicant herein is arrested on 25th January, 2018 in Crime No. 32 of 2018 registered at MIDC Police Station, Solapur for offences punishable under section 376 of the Indian Penal Code and under Section 4 and 8 of Protection of Children from Sexual Offence Act, 2012.

3. It is the case of the prosecution that the Applicant herein happens to be the neighbor of the victim. That on 24th January, 2018, the victim was at home

as she was to visit a temple with her mother. That in the afternoon, the mother of the victim as well as the mother of the Applicant returned home, knocked at the door and found that the present Applicant was in the room with the victim and that he was pretending to be asleep. The victim, on seeing her mother, started crying and upon inquiry, had disclosed the incident to her. The mother, therefore, was constrained to approach the police station and lodged a report. She had disclosed that when she returned home at about 2.30 p.m., she found that the room in front of her house was closed from inside. The said room, was in their possession, she heard the voice of her daughter crying in the said room. On suspicion, she knocked the door of the said room, she had also heard the voice of the Applicant. She along with the mother of the Applicant, his sister and his sister-in-law asked him to open the door. Her minor daughter had disclosed that in the afternoon the Applicant had called her at the first instance. She refused to go. However, at the second instance, he had asked her to open the door and, thereafter, had denuded her of her clothes and attempted to ravish her. When they heard the knock on the door, he had tried to conceal himself. The victim was taken for medical examination.

4. The victim is studying in Vth standard. She is approximately 11 years' old. She had disclosed to the doctor that the present Applicant had locked her

in the room and attempted to rape her. However, she was saved since her mother had returned home. It is a heinous offence.. A girl, who is 11 years' had been molested at the hands of the Applicant. It shows that perverse state of mind of the Applicant. It is in these circumstances, the Applicant does not deserve to be enlarged on bail. Hence, the application for bail stands rejected.

[SMT. SADHANA S. JADHAV, J.]