

Anand

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

BAIL APPLICATION NO. 230 OF 2018

Wajid Harun Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Shobhana Sothe, Advocate, for the Applicant
Mr. M. G. Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.03.2018

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. 258 of 2017 registered with the Sakinaka Police Station, Mumbai, for the alleged offences punishable under Sections 376(2)(I), 376(2)(N), 506(2), 342 of the Indian Penal Code and under Sections 4, 6, 8 & 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

3. Perused the charge-sheet. According to the prosecutrix, the Applicant aged 39 years, a neighbour of the survivor, aged 16 years sexually assaulted her in January last week and February first week. A perusal of the victim's statement dated 13.05.2017 shows how the

Applicant had called her to his house and thereafter, committed forcible sexual intercourse with her. The Applicant is also alleged to have threatened her, not to disclose the said incident to any person, as a result of which she did not disclose the same. Again in February, 2017, the Applicant forcibly took the survivor home, threatened her with dire consequences and again sexually exploited her. Thereafter, as the survivor had pain in her abdomen, she was taken to the family Doctor where she was asked to undergo sonography. Since the Sonography Centre was closed, the survivor's pregnancy test was done and it was found that she was pregnant. Pursuant thereto, she disclosed the incident to her mother and thereafter, a complaint was lodged. The survivor aged 16 years was about 18 weeks pregnant. The DNA Report is positive. The possibility of the Applicant threatening or intimidating the witnesses in particular, the survivor cannot be ruled out.

4. Considering the prima facie material against the Applicant, this is not a fit case to enlarge the Applicant on bail. Accordingly, the Application stands rejected. The learned Judge shall conduct the trial on its own merits uninfluenced by the observations made in this Application.

(REVATI MOHITE DERE, J.)