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

CRIMINAL BAIL APPLICATION NO.240 OF 2018

Suraj@Surya Mahatham Mandal	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.M.H.Jahagirdar, for the Applicant

Mr.S.S.Hulke, A.P.P for the Respondent-State.

API – Sachin Suryavanshi, Kherwadi Police Station (Then Dindoshi Police Station, Mumbai)

CORAM : REVATI MOHITE DERE, J.

DATE : 24th APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.89 of 2016 registered with the Dindoshi Police Station, Mumbai, for the alleged offences punishable under Section 376 of the Indian Penal Code and under Sections 3, 4, 5 and 6 of Protection of Children from Sexual Offences Act.

3. Perused the papers of investigation. According to the complainant- Ramchandra Mandal, (father of the survivor, aged 4 years), the applicant was living in the vicinity and that they were known to each other, since they hailed from Bihar. He has alleged that the incident took place on 4th February, 2016, at about 10.40 p.m. He has alleged that his employer and one lady came with his daughter, aged 4 years; that his daughter, aged 4 years was bleeding, pursuant to which, she was taken to the hospital. He has stated that on questioning his daughter, as to what had happened, she disclosed that the applicant had taken her to his room and had sexually assaulted her. A perusal of the history given by the mother of the survivor also shows that she has stated that the present applicant had sexually assaulted her daughter, aged 4 years at around 10.30 p.m. on 4th February, 2016. She has further stated that her daughter had gone to play and that the applicant had taken her daughter to his house and had forcible sexual relations with her and that she was bleeding from her vagina, pursuant to which, they took her to the hospital and lodged a complaint. The medical history shows that the survivor was referred to higher centre i.e. Nair Hospital for pediatric surgery opinion, as the patient needed suturing of tear under anesthesia. The statement of the witnesses, who saw

the survivor and the applicant, are consistent with the statement of the complainant and the history given by the survivor.

4. *Prima facie*, there is sufficient material to show the complicity of the applicant in the alleged offences.

5. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

6. Accordingly, the application for bail is rejected and disposed of as such. However, considering the age of the victim girl, the trial of the applicant is expedited.

7. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)