

Anand

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

BAIL APPLICATION NO. 313 OF 2018

Mohmad Azhar Mohmad Asrad Ansari .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. P. M. Mishra, Advocate, for the Applicant

Ms Pallavi Dabholkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.03.2018

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. 173 of 2016 registered with the R. C. F. Police Station, Mumbai, for the alleged offence punishable under Section 377 of the Indian Penal Code and under Sections 6 & 10 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

3. Perused the papers, in particular, the statement of the victim boy aged eight years. A perusal of the statement of the Complainant, who is the mother of the victim boy reveals that the incident took place

on 09.07.2016 when her son had gone out to play. She has stated that two persons, Pappu and Shivam brought her son and one unknown person and disclosed that the said unknown person had taken her son behind some bushes and was attempting to sexually assault the victim boy. Pursuant thereto, the said unknown person was taken to the police station. On questioning the victim boy, the victim boy disclosed that the said person had taken him behind the bushes and was attempting to sexually assault him and has given the details, which have been mentioned in the complaint as well as in the boy's statement. The said act was witnessed by Shivam and others and their statements have also been recorded. The victim boy in his history given to the Doctor has also stated that the nature of sexual assault committed by the Applicant on him. The Applicant aged about 35 years, was apprehended on the spot, committing sexual assault on the 8 year old boy. The possibility of the Applicant tampering with the witnesses cannot be ruled out.

4. Considering the evidence on record, this is not a fit case to enlarge the Applicant on bail. The Application stands rejected.

(REVATI MOHITE DERE, J.)