

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 458 OF 2018**

Santosh Moreshwar Mehar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rajesh Singh I/b Mr. Parvin Khan for the Applicant

Mr. A. A. Palkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 25th 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. 133 of 2017 registered with the Colaba Police Station, Mumbai, for the alleged offences punishable under Sections 376, 354(A), (2), (D), 506 of the Indian Penal Code and under Sections 4 and 12 of the Protection of Children from Sexual Offences Act.
3. Perused the papers, in particular, the statement of the survivor aged 15 years. According to the prosecutrix, between the period 2015 to 2017, the applicant would stop her, behave indecently and in 2017, sexually

assaulted her by taking her home. The prosecutrix has, in detail, set out the manner in which the applicant would stop her, had flashed on one occasion and thereafter, forcibly taken her from school to his house and thereafter, sexually assaulted her. The statement of the prosecutrix is consistent with her statement recorded under Section 164 Cr. P. C, as well as the history given to the doctor. The applicant aged 43 years, a married man with two children, was living in the same vicinity as the prosecutrix. The statement of the prosecutrix's friend and her mother are consistent with the statement of the prosecutrix.

4. Considering the *prima facie* material as against the applicant, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

5. 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.

6. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.