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

CRIMINAL BAIL APPLICATION NO.1852 OF 2017

Majid Bechu Alam	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Bhola Nath Rai, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

PSI – Ganesh Ahire, Versova Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th 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.363 of 2016 registered with the Versova Police Station, Mumbai, for the alleged offences punishable under Sections 354, 376 of the Indian Penal Code and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act.
3. Perused the papers. The survivor is aged 6 years and the

applicant is aged 32 years. It is alleged by the survivor that she had gone to her friend's house next door, when the applicant touched her in an objectionable manner, pulled down her underpants and touched her private part. The statement given by the survivor, aged 6 years is consistent with the history given by her to her grand mother, pursuant to which a complaint was lodged. The statement of the survivor is also consistent with the history given by her to the doctor of Municipal Corporation, Mumbai. The survivor has also revealed that accused also inserted his private part in her mouth and also licked her private part. Considering the nature of evidence, as against the applicant, the possibility of the applicant tampering with the witnesses also cannot be ruled out.

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

5. Accordingly, the application for bail is rejected and disposed of as such.

6. 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.)