

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2047 OF 2017**

Gaur Robin Man

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Jagdish T. Nagar for the Applicant

Mr. M. G. Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 3rd 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. 248 of 2016 registered with the MIDC Police Station, Mumbai, for the alleged offences punishable under Sections 376(2) (i) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
3. Perused the charge-sheet. The survivor in the said case is aged 4 years. The incident took place on 12th May, 2016 at about 2:30 to

3:00 p.m. It is alleged that the applicant, under the pretext of giving the survivor an ice-cream, took her to his house and sexually assaulted her. The statement of the survivor aged 4 years, the parents, as well as the neighbours, clearly show the complicity of the applicant. It appears that the applicant took the survivor aged 4 years to his house, removed her underclothes and inserted his finger in her private part and bit and licked her cheek. The survivor's underwear was found stained with blood. The medical certificate of the survivor shows hymen tear at 6 o'clock position and 0.5 x 1 cm tear. The allegations as against the applicant are serious.

4. Considering the aforesaid, no case is made out for grant of bail. 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.

REVATI MOHITE DERE, J.