

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

BAIL APPLICATION NO. 2050 OF 2017

Anand Vindo Singh

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. N.K. Singh i/b Singh & Asso. for the Applicant.

Mr. A.D. Kamkhedkar, APP for the Respondent/State.

PSI Vasant Kavar, attached to Boisar Police Station.

CORAM : A.S.GADKARI, J.

DATE : 8th JANUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.PC. for bail in C.R. No. I-67/2017 dated 20.03.2017 registered with Boisar Police Station, Palghar under Sections 376(2)(i) and 506 of the Indian Penal Code and Sections 4 and 5(i) and 8 of the Protection of Children from Sexual Offences Act, 2012.

2 Heard learned Counsel for the Applicant and learned APP. Perused the charge-sheet.

3 The victim girl in the present case is aged about 13 years. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228-A of the IPC, the detailed narration of facts mentioned in the first information report and other statements disclosing the identify of victim girl are

hereby avoided.

3 It is the prosecution case that the Applicant under the pretext of giving drinking water to the victim, called her inside his room and committed forcible sexual assault on her. During the course of investigation, the Applicant came to be arrested on 21.03.2017. After completion of investigation, the police have submitted charge-sheet.

4 Learned Counsel for the Applicant submitted that the mother of the Applicant had advanced hand loan of Rs.25000/- to the mother of the victim girl and when she demanded the said amount back, the Applicant has been falsely implicated in the present crime. He further submitted that the Applicant is aged about 20 years. That investigation of the present crime is already completed and the Applicant therefore, may be released on bail.

5 The record indicates that though the victim girl in her statements to the police have elaborately narrated the alleged sexual assault on her. Medical Officer, Rural Hospital, Boisar, District Palghar after conducting medical examination of victim girl has given an opinion that patient do not have any external physical injury and her hemmen is intact. He has further opined that nothing significant has been noticed in her clinical examination. During the clinical examination of the victim girl, the Medical Officer did not notice bleeding or any injury over paraurethral perireal area. Thus medical examination of the victim girl, prima facie reveals that the allegations of forcible sexual assault is not

substantiated.

6 Prima facie, it further appears that contention raised by the learned Counsel for the Applicant has substance in it. The Applicant is aged about 20 years. The investigation of the present crime is already completed and the police have submitted the charge-sheet. No fruitful purpose will be served by keeping of the Applicant further behind the bars and the Applicant can be released on bail.

Hence, the following order:

- i) The applicant be released on bail in C.R. No. I-67/2017 dated 20.03.2017 registered with Boisar Police Station, Palghar on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- ii) After his release from jail, the applicant shall attend Boisar Police Station i.e. on every first Monday of the month between 11.00 a.m. to 2.00 p.m.
- iii) The applicant shall also attend all dates before the Trial Court.
- iv) Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)