

Anand

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

BAIL APPLICATION NO. 2403 OF 2017

Christopher Francis .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. S. R. Phanse, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.03.2018

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. 158 of 2017 registered with the Koparkhairane Police Station, Navi Mumbai, for the alleged offences punishable under Sections 376, 354, 506 r/w 34 of the Indian Penal Code and under Sections 4 & 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO' Act).

3. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated in the said case by the prosecutrix

(Applicant's daughter), as she had a grudge against the Applicant. He submitted that the prosecutrix had several behavioral problems and was required to take treatment and as such, the Applicant had quit his job and was constrained to stay at home. He submits that as the Applicant's father was opposing the activities of his daughter (prosecutrix), his daughter has falsely implicated him. He submits that the Applicant is in custody for the last ten months.

4. Learned APP opposed the Application.

5. Perused the charge-sheet. The Applicant is the father of the prosecutrix / complainant aged 17 years & 4 months. According to the prosecution, since 2015, the Applicant had sexually exploited her. She has further stated that in March, 2017, she met one Polly D'Souza and disclosed to him about the sexual assault by the Applicant. She has further alleged that she had physical relations with Polly D'Souza. The prosecutrix has also disclosed about the sexual assault on her by the Applicant to one Viresh, a friend of co-accused – Polly D'Souza.

6. Considering the prima facie allegations as against the Applicant and the nature of allegations, this is not a fit case to enlarge

the Applicant on bail. Accordingly, the Application stands rejected. However, the trial of the Applicant is expedited. The trial Court shall proceed with the case and conclude the same as expeditiously as possible and in any event within 12 months from the date of receipt of this order.

7. 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.)