

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2503 OF 2017**

Sanjay Tulshidas Waghat

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Nikam I/b Mr. Aashish Satpute for the Applicant

Mr. A. A. Palkar, 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. 145 of 2016 registered with the Aarey Police Station, Mumbai, for the alleged offences punishable under Sections 376, 354 of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.
3. Perused the charge-sheet. According to the prosecution, the applicant alongwith two other co-accused sexually assaulted the survivor,

aged 14 years, from time to time. Although the survivor in her first statement dated 24th November, 2016 has not named the applicant, in her second statement dated 26th November, 2016, she has named the applicant. She has alleged that from July, 2016 to September, 2016, the applicant sexually assaulted her. The history given to the doctor is consistent with the statements of the survivor. She has, in the history given to the doctor also named the applicant, who sexually assaulted her when she went to his house to meet him. Pursuant to the sexual assault, the survivor conceived and the child was aborted. The DNA report shows that the applicant was the father of the said unborn child.

4. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Application is accordingly 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.