

Anand

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

BAIL APPLICATION NO. 2726 OF 2017

Sachin Rampriti Chaudhary .Applicant

Vs.

The State of Maharashtra .Respondent

Mrs. Anjali Helekar a/w. Mr. K. S. Yadav & Ms Anu C. Kaladharan,
Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.03.2018

P.C.

. Learned counsel for the Applicant seeks leave to amend to delete the name of the prosecutrix wherever it appears. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 413 of 2015 registered with the Malad Police Station, Mumbai, for the alleged offences punishable under Section 376(2)(I) of the Indian Penal Code and under Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

4. Perused the charge-sheet as well as the statement of the survivor recorded under Section 164 of Cr.P.C.. Admittedly, the survivor was aged 14 years at the time when the alleged incident took place. According to the Complainant (father of the survivor), the incident took place on 26.08.2015 at about 9.00 a. m.. He has stated that the Applicant followed his daughter and being suspicious, he followed them. He has stated that when he reached the 5th floor, he saw that the Applicant aged 27 years was trying to sexually assault his daughter aged 14 years. Pursuant thereto, the Applicant fled from the spot and the aforesaid complaint was lodged on the very same day. A perusal of 164 statement of the victim girl corroborates the statement of the Complainant. If the Applicant is enlarged on bail, the possibility of the Applicant threatening or intimidating the victim girl cannot be ruled out.

5. Considering the aforesaid, this is not a fit case to enlarge the Applicant on bail. However, the trial of the Applicant is expedited. The learned Judge shall conclude the case as expeditiously as possible and in any event within nine months from the date of receipt of this order.

6. 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.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)