

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 377 OF 2019**

Vijay Kumar Shamnath Jaiswar	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. A. K. Prajapati a/w Mr. Rakesh Singh I/b K. Juris for the Applicant

Mr. A. A. Palkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 22nd AUGUST 2019

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. 53 of 2018 registered with the Parksite Police Station, Vikhroli, Mumbai, for the alleged offences punishable under Sections 376(1) of the Indian Penal Code and under Sections 4, 6, 8, 10, 12 of the Protection of Children from Sexual Offences Act.

3 Perused the papers. According to the prosecution, the applicant was running a flour mill. The prosecution has alleged that the applicant on 30th January 2018 at 6:00 p.m, called the victim girl aged 8 years, took her

to his flour mill, removed her pant half way upto thigh and fingered her private part. The statement of the victim girl recorded both under Sections 164 and 161 are consistent. The history given by the victim girl to the doctor is also consistent with the said statements. It also appears that one Mangesh had seen the applicant and the prosecutrix together. The FIR was lodged on the very next day.

4 Having regard to the material on record, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected. However, having regard to the age of the victim girl aged 8 years, the trial of the applicant is expedited. The learned Judge to decide the case as expeditiously as possible and in any event, within six months from the date of receipt of this order.

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.