

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

CRIMINAL BAIL APPLICATION NO. 906 OF 2019

Nana @ Omkar Machindra Bhoir

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Uday B. Nighot, Advocate for the Applicant.

Ms. S. S. Kaushik, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE :30th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 217 of 2018 registered with Otur Police Station, Taluka Junnar, Dist. Pune, under sections 376(1)(2)(i)(j) of the Indian Penal Code and under section 4, 5(m)(n), 6, 8 and 12 of the Protection of Children from Sexual Offence Act, 2012 (for short 'POCSO Act')

2. The FIR is lodged on 23/10/2018 by mother of the victim. The applicant was arrested on 24/10/2018 and since then

he is in custody. The investigation is over and the charge-sheet is filed.

3. The first informant in her FIR has stated that, on 20/10/2018, her three and half years old daughter had gone to the house of informant's husband's uncle at Otur. After couple of days she was brought back by that relative. At around 4.30p.m. the child was taken to bathroom. At that time the informant saw a drop of blood and the child was crying. The informant gently asked her the reason why she was crying. She informed that when she had gone to Otur, that time the applicant had touched her on her private parts and that was the cause. The victim was taken to a doctor who had seen that there was an injury at that spot. The victim was taken to YCM hospital, Pimpri. The doctor told her that it was a police case and asked the informant to take the victim to Sassoon Hospital. The doctor at Sassoon Hospital told the informant that it was a police case and somebody had tried to insert finger in the private parts of the victim. On this basis, the FIR was lodged.

4. The applicant was arrested and the charge-sheet was

filed. The charge-sheet contains medical examination report which shows inflammation on that spot. The treatment of Dr. Sheetal Shinde had mentioned that on 22/10/2018 the victim was taken to her dispensary and she had seen there was an injury on her private parts.

5. Heard Shri. Uday Nighot, learned counsel for the applicant and Ms. S. S. Kaushik, learned APP for the State.

6. Learned counsel for the applicant submitted that the medical certificate does not clearly show that there was rupture of hymen and the victim had suffered any injury on her private parts. He submitted that the applicant is implicated falsely. He further submitted that the FIR does not mention that the victim was taken to Dr. Sheetal Shinde and that she had examined her. He further submitted that the applicant is 18 years of age and his entire future will be ruined if not released on bail, hence, he should be granted bail.

7. Learned APP opposed this application and submitted that this is a serious offence. The allegations are supported by medical papers and the applicant should not be granted bail.

8. I have perused the investigation papers and the statement of Dr. Sheetal Shinde which shows that on 22/10/2018 when the victim was brought to her dispensary, she examined her and found injury on her private parts. Thus, this corroborate the informant's version. The informant's statement U/s.164 of Cr.p.c. is recorded, wherein she has narrated the same incident. The victim's statement also supports this case. Considering the gravity of the offence and corroboration made by medical examination, I am not inclined to grant bail to the applicant.

9. The application is rejected. Considering the age of the applicant, trial is expedited.

(SARANG V. KOTWAL, J.)