IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1123 OF 2019

Ali Hasan Badalu Ansari ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Viral Rathod a/w Ms. Saima Ashfaq Sothe for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 15th JULY 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. 35 of 2016 registered with the Shivaji Marg Police Station, Mumbai, for the alleged offences punishable under Sections 376(2) and 506 of the Indian Penal Code and under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act.

3 Perused the papers, in particular, the statement of the prosecutrix. The applicant is the father of the prosecutrix, aged 15 years. According to the prosecutrix, the applicant-her father would

inappropriately touch her when her step-mother would go to Bhiwandi with the other children. She has further alleged that on one such occasion, when she was alone at home, the applicant had forcible sexual intercourse with her, against her wish. The medical examination of the prosecutrix is consistent with the history given to the doctor.

4 Considering the relations between the parties, the possibility of the applicant tampering with the evidence also cannot be ruled out. The application is accordingly rejected. However, since the applicant is in custody for last 3½ years, the trial of the applicant is expedited. Learned Judge to dispose of the said case as expeditiously as possible.

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.