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

CRIMINAL BAIL APPLICATION NO.1283 OF 2019

Mukesh Ramnayan Yadav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.B.K.Manghani, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent - State.

PSI – Kapil K. Takke, Kurla Railway Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 25th JUNE, 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.01 of 2018 registered with the Kurla Railway Police Station, Mumbai, for the alleged offences punishable under Sections 354(A) of the Indian Penal Code and under Sections 7 and

8 of Protection of Children from Sexual Offences Act.

3. Perused the papers. According to the complainant (father of the victim girl, aged 13 years), the incident took place on 1st January, 2018, at around 11.00 a.m., when he along with his wife and daughter (victim girl) boarded CSMT bound local train from Platform No.3 of the Badlapur Railway Station. He has stated that as the said compartment was crowded, he was guarding his family and that when the train reached the Thane Railway Station at 11.00 a.m., the applicant boarded the train and stood right in front of the complainant's daughter. He has stated that when the complainant asked the applicant to move behind and keep some distance, the applicant paid no heed to the complainant's request. He has stated that suddenly when the train was reaching the Mulund Railway Station, his daughter started weeping and shouting and when the complainant asked his daughter what had happened, she stated that the applicant had inappropriately touched her, pursuant to which, the aforesaid complaint was lodged.

4. A perusal of the 164 statement of the victim girl shows the act

of the applicant. It appears that despite the victim girl stamping on the applicant's foot, when he tried to touch her inappropriately, the applicant went close to her and touched her inappropriately and tried to put his hand in her trouser pocket. The applicant is a resident of Uttar Pradesh. He has no permanent residence in Mumbai. If the applicant is enlarged on bail, the possibility of the applicant committing a similar offence cannot be ruled out. Similarly, the possibility of the applicant even tampering with the witnesses cannot be ruled out.

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

6. Hence, the application for bail is rejected and disposed of as such. However, keeping in mind the age of the victim girl and ultimately the punishment that can be awarded in a case such like this, the trial of the applicant is expedited. The learned Judge to conclude the trial as expeditiously as possible and preferably within 9 months from the date of receipt of this order.

7. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.