

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

CRIMINAL BAIL APPLICATION NO. 1335 OF 2019

Rahulkumar Shriramsurat Benbansi Sharma	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Nitin P. Dalvi I/by Ms. Amruta D. Devkat, for the Applicant.
Mr. S.S. Hulke, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th 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. 284 of 2017 registered with the Nerul Police Station, Navi Mumbai, Thane, for the alleged offences punishable under Sections 377, 504 r/w 34 of the Indian Penal Code and under Sections 4, 6 12 and 17 of Protection of Children from Sexual Offences Act.

3. Perused the papers. According to the prosecution, the victim boy, aged 8 years, had gone for a hair cut to the applicant's saloon on 15.08.2017. It is alleged by the prosecution, that the applicant showed obscene video clips which were on his mobile phone to the victim boy and thereafter committed unnatural sex with him. The victim boy immediately informed the said incident to his mother, who in turn, informed her husband, who lodged an FIR as against the applicant on 16/08/2017.

4. Learned counsel for the applicant submitted that the victim boy's mother's statement was recorded belatedly i.e. after about more than one month of the incident, though she is a police constable. He submitted that there was no reason why the victim's mother, a police constable, did not lodge the complaint herself. Merely because the victim's mother is a police constable does not necessarily mean that only she should have lodged the complaint. The fact remains, that the mother on learning of the incident of sexual assault on her son, immediately informed her husband, who lodged the FIR. There are independent witnesses to corroborate the subsequent events that took place, after the complainant learnt about the sexual assault by the applicant on his son.

5. Considering the nature of allegations, this is not a fit case to enlarge the applicant on bail. The possibility of the applicant tampering with the witnesses, in particular, the victim boy, also cannot be ruled out.

6. Accordingly, the application is rejected and disposed of. However, the trial of the applicant is expedited.

7. 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.)