

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1471 OF 2019**

Sandeepsingh Surajsingh Bed

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Sushant Jadhawar i/b Ms. Sreedevi Avdhut Barbhair for the Applicant

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

PSI Ms. T. N. Khalade from Wagle Estate Police Station, Thane, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 19th 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. I-52 of 2018 registered with the Wagle Estate Police Station, Thane, for the alleged offences punishable under Section 377 of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.

3 Perused the papers. The complainant (victim boy), aged 11 years was sexually abused by the applicant, his neighbour aged 22 years.

The 164 statement of the victim boy aged 11 years clearly shows the complicity of the applicant i.e. the applicant had taken him to a public toilet and thereafter committed oral as well as unnatural intercourse with him. The medical certificate of the victim boy is consistent with his statement i.e. tenderness was found on the anal region. The victim boy was admitted in the hospital on 18th March 2018 and was discharged on 20th March 2018. The possibility of the applicant tampering with the evidence and threatening the victim boy, also cannot be ruled out.

4 Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. The application is accordingly rejected. However, having regard to the age of the victim boy, the trial is expedited.

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.