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

**CRIMINAL BAIL APPLICATION NO.1851 OF 2019
(THROUGH POST)**

Mehfooz Rafiq Ansari	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Keral Mehta as *Amicus Curiae*.

Mr.P.H.Gaikwad-Patil, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th SEPTEMBER, 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.166 of 2017 registered with the D.N.Nagar Police Station, for the alleged offences punishable under Sections 376(2)(F)(I)(J)(N), 354 of the Indian Penal Code and under Sections, 4, 6, 8 and 10 of Protection of Children from Sexual Offences Act.
3. Learned *Amicus Curiae* Ms. Keral Mehta, states that there is

no material to connect the applicant with the alleged offences. She submits that the incident is alleged to have taken place in the house and that none of the family members statements have been recorded to corroborate the sexual assault on the prosecutrix.

4. Learned APP opposed the application.

5. Perused the papers. The applicant is the father of the prosecutrix/victim girl, aged 14 years. A perusal of the statement of the prosecutrix/victim girl shows that the applicant was sexually assaulting her since 2016, the last episode being on 5th March, 2017. It appears that the prosecutrix/victim girl disclosed the sexual assault by the applicant to her teacher, who in turn informed the NGO, pursuant to which, the police were informed and the aforesaid complaint was lodged. The statement of the prosecutrix/victim girl is consistent, even in her statement recorded under Section 164. The medical evidence mentions 'No any fresh injury', which *prima facie* does not mean there was no any injury. Be that as it may, the same will be considered by the learned Judge, at the time of the trial.

6. *Prima facie*, having regard to the fact that the applicant has exploited his relations with his daughter, aged 14 years, this is not a fit case

to enlarge the applicant on bail. The possibility of the applicant tampering with the witnesses also cannot be ruled out.

7. Hence, the application for bail is rejected and disposed of as such. However, the applicant is in custody since 2017, hence, the trial of the applicant is expedited. The learned Judge to conclude the trial as expeditiously as possible and preferably within 12 months from the date of receipt of this order.

8. 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.

9. I would like to record a word of appreciation for the able assistance provided and the efforts taken by Ms. Keral Mehta, in conducting the application. High Court Legal Services Committee to award fees of the learned *amicus curiae*, as per Rules.

REVATI MOHITE DERE, J.