

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

CRIMINAL BAIL APPLICATION NO. 1901 OF 2019

Ajitkumar Suresh Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Raj Dali I/b Pankaj Kavale, for the Applicant.
Ms. Veera Shinde, A.P.P for the Respondent - State.

***CORAM : REVATI MOHITE DERE, J.
DATE : 22nd 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. 53 of 2019 registered with the N.R.I. Sagari Police Station, Thane, for the alleged offences punishable under Sections 363, 354 of the Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant submits that there are discrepancies in the statements of the alleged eye witnesses, including the victim and her parents. He submits that the the applicant has no

antecedents and that the medical injuries do not support the allegations.

4. Learned APP opposed the application.

5. Perused the papers. According to the prosecution, the applicant-a rickshaw driver, aged 33 years, had come to visit his sister at Gajanan Co-operative Housing Society, B-20/9, Sector 48, Seawood, where the victim girl, aged 4 years, was residing. It is alleged by the prosecution, that the applicant lured the victim girl with a chocolate and took her in his rickshaw to Ulve. It is alleged that the applicant kissed her on her lips and thereafter, on her legs and touched her private part. The statement of the victim-girl, aged 4 years, recorded both, Sections 161 and 164 of Cr.P.C., are consistent. Having regard to the nature of allegations, the question of the victim sustaining any injuries does not arise. The incident took place on 24/02/2019 and the FIR was lodged on the very same day. The other children, who were playing with the victim-girl, have seen the applicant taking the victim-girl with him. The possibility of the applicant tampering with the witnesses cannot be ruled out. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

6. Accordingly, the application is rejected. However, the trial of the applicant is expedited. Having regard to the age of the victim-girl, aged 4 years, the learned Trial Judge to decide the case as expeditiously as possible and preferably within nine months from the date of receipt of this order, lest the victim girl is unable to recollect the incident, due to passage of time.

7. If for no fault of the applicant, the trial does not conclude within the said period, the applicant is at liberty to file a fresh bail application, which will be considered on its own merits.

(REVATI MOHITE DERE, J.)