

Anand

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

**BAIL APPLICATION NO. 2000 OF 2019
(THROUGH JAIL)**

Nikesh Sevasinh Thakur .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Veerdhawal Deshmukh, Amicus Curiae, for the Applicant
Mrs. P. P. Shinde, APP, for the Respondent – State
Mr. S. D. Posture, API, Oshiwara Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.10.2019

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. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 7 of 2016 registered with the Gorai Police Station, Mumbai, for the alleged offences punishable under Section 376 of the Indian Penal Code and under Sections 4, 6, 8 & 12 of the Protection of Children from Sexual Offences Act.

3. Perused the papers. The victim girl is aged 2 and ½ years. She is alleged to have been raped by the Applicant on 30.03.2016. According to the prosecution, when the victim girl was playing on the ground in front of the house, she was picked up by the Applicant, taken

near a stair case, where her undergarments were removed and she was raped. As the girl was crying, her aunt checked her private part and saw that she was bleeding. Pursuant to which, she informed the victim girl's mother, who was at work. Although, no opinion has been given by the Doctor, who examined the victim girl, it appears that there was some bleeding from her private part and also there was an abrasion.

4. Considering the material qua the Applicant, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected. However, since the Applicant is in custody for more than three years, the trial of the Applicant is expedited. The learned Judge to conclude the case as expeditiously as possible and in any event, within a period of six months from the date of receipt of this order.

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.

6. I would like to record a word of appreciation for the able assistance provided and the efforts taken by Mr. Veerdhawal Deshmukh, as an appointed Advocate. High Court Legal Services Committee to award fees of the learned Appointed Advocate, as per Rules.

7. The order to be communicated to the Applicant, who is lodged in Thane Central Jail. Learned APP assures that the Applicant will be produced before the trial Court on the dates given by the learned Judge.

8. The Application is disposed of accordingly.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)