

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

CRIMINAL BAIL APPLICATION NO. 2315 OF 2019

Mainuddin Sagir Ali Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ujwal R. Agandsurve, Advocate for the Applicant.

Mr. Ajay Patil, A.P.P. for the Respondent-State.

P.S.I. S.A. Sonawane, Wadala T.T. Police Station present.

CORAM : SANDEEP K. SHINDE, J.

DATE : 14th NOVEMBER 2019.

P.C.

1 Heard learned counsel for the applicant and learned A.P.P. for the Respondent – State.

2 Applicant is seeking his release on bail in Crime No.97 of 2019 registered with the Wadala T.T. Police Station, Mumbai for the alleged offences punishable under Sections 363, 376, 452 and 354 of the Indian Penal Code ('**IPC**' for short) and Sections 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('**POCSO**' for short).

3 Victim is 12 years old. On 01st April 2019, father of victim reported to the police that, on 31st March 2019 at around 10:00 p.m. the applicant outraged the modesty of his daughter. On 10th April 2019, he

alleged 'penetrative sexual assault' by applicant on his daughter. He relied on Medical case papers of his daughter.

4 The victim was admitted in the hospital on 01st April 2019 till 05th April 2019. The doctor opined the overall finding is consistent with old sexual intercourse / assault. The discharge summary also indicates that, the victim was subjected to penetrative sexual assault. I have no reason to overlook, the medical evidence and the opinion of the doctor. Besides victim's statement has been recorded, wherein she alleged sexual assault by the applicant.

5 Be that as it may, the evidence on record, *prima facie* suggest that victim 'child' was subjected to penetrative sexual assault. In view of evidence, application is rejected.

(SANDEEP K. SHINDE, J.)