

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

CRIMINAL BAIL APPLICATION NO. 2256 OF 2018

Chetanand Arjun Naik	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Ravi L. Gamani I/by Vijay P. Agale for the applicant.
Mrs. G.P. Mulekar, APP for the Respondent-State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 15th JANUARY, 2019.

P.C.

1. This is an application for bail in CR No. 59 of 2018 registered with Bhandup Police Station for the offence punishable under Section 376(i)(j) & (n) of Indian Penal Code and Section 4 and 6 of POCSO Act.
2. The case of the prosecution is that victim aged about 6 years was sexually assaulted by the applicant. Complaint was lodged by the mother of the victim on 2nd February, 2018. Victim statement was recorded on the same day and again on 6th February, 2018. In both these statements victim has consistently stated that she was sexually assaulted. Learned counsel for the applicant submitted that there is variance in the statement of the victim which was

recorded on 2nd February, 2018 and 6th February, 2018.

3. On perusal of the statements, it is apparent that there is consistency with regards to sexual assault. Learned counsel further submitted that mental condition of the applicant is not good. Learned APP pointed out the report submitted by the Department of Psychiatry, Grant Medical College and Sir JJ Group of Hospital, Mumbai dated 28th February, 2018 which indicates that the mental status examination of the applicant is conscious, co-operative, communicative, kempt. Attention aroused and sustained, eye to eye contact initiated and maintained. Rapport established. He is oriented to time, place and person. Speech is continuous, coherent, relevant.

4. In the circumstances, no case for grant of bail is made out and hence application is rejected and disposed off.

(PRAKASH D. NAIK, J.)