

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3069 OF 2019

Mr. Rishi Karamvirsingh Dhaka ...Applicant
V/s.
State of Maharashtra
(at the instance of Inspector
of Incharge, Dahisar Police
Station) Respondent

ALONGWITH
BAIL APPLICATION NO. 3070 OF 2019

Mr. Rishi Karamvirsingh Dhaka ...Applicant
V/s.
State of Maharashtra
(at the instance of Inspector
of Incharge, Dahisar Police
Station) Respondent

Ms. Minakshi Mishra, Advocate for the applicant.

Mr. S.R. Agarkar, APP for State.

P.I. Pravin Patel, EOW present.

CORAM : SANDEEP K. SHINDE, J.**Tuesday, 10th December, 2019.**

P.C. :

1. Heard.
2. In Bail Application No. 3069 of 2019, the applicant is seeking his enlargement on bail in Crime No. 616/2018 (Special Case No.522/2019) registered with Dahisar Police Station for the alleged offences punishable under Sections 376(2) (n) of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act ("POCSO Act" for short).
3. In Bail Application No. 3070 of 2019, the applicant is seeking his enlargement on bail in Crime No. 615/2018 (Special Case No.512/2018) registered with Dahisar Police Station for the alleged offences punishable under Sections 376(2) (n) of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act ("POCSO Act" for short).
4. It may be stated that the, victims and the

applicant are the accused in sixteen crimes (mobile theft cases) registered under Section 379 read with Section 34 of the Indian Penal Code. It is reported that, victims are released on bail in all crimes.

5. It appears, victims, being accused in the crimes registered under Section 379 of the Indian Penal Code, volunteered to give statement before the learned Metropolitan Magistrate and as such on 11th June, 2018 confession of victim Tina, was recorded. In the confession she stated, besides, sexual exploitation, she was forced to satisfy the sexual desire of other persons.

6. Likewise, another victim in her confessional statement recorded by the learned Magistrate alleged, that the applicant was forcing her to indulge in activity of stealing of mobile and on resistance, was physically and sexually assaulting her.

7. Besides, medical evidence suggests,

sexual assault on victims.

8. It cannot be overlooked that custody of the applicant in both the crimes has been obtained on a transfer warrant, when he was in the judicial custody in other crimes.

9. In view of the facts of the case, both the Bail Applications are rejected.

(SANDEEP K. SHINDE, J.)