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

CRIMINAL BAIL APPLICATION NO.2839 OF 2018

Justin Raj Joseph John	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Sujit Shelar i/b Mr.Ganesh Rangayya, for the Applicant.

Ms.P. P. Shinde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th SEPTEMBER, 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.169 of 2018 registered with the Shahunagar Police Station, Mumbai, for the alleged offences punishable under Sections 363 and 376(2)(i) of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.
3. Perused the papers. According to the prosecutrix, aged 14 years, she was playing with her friend on 18th June, 2018 at about 5.30 p.m.

She has stated that whilst playing she did not realize the time and that it had become dark. According to the prosecutrix, she left her friend's house at about 12 midnight. In her statement recorded under Section 164 of the Code of Criminal Procedure, the prosecutrix has stated that on the way to her house, one unknown person held her and compelled her to sit on her bike and also threatened to kill her with a knife. She has stated that she sat on the applicant's bike, pursuant to which, he took her to a labour camp and thereafter, to a room in the said labour camp. She has stated that although she started shouting, nobody was present around the said area. She has stated that the said person removed her clothes and had forcible sexual relations without her consent. She has stated that after the said incident, she went to her friend's house and thereafter to her house and disclosed the said incident to her mother and aunt. The history given to the doctor by the prosecutrix is identical. It is pertinent to note, that although the applicant, aged 29 years, in the history given to the doctor, has denied any sexual/physical assault on the prosecutrix, he does not dispute that he had taken the girl to his house and dropped her later. The medical case papers of the prosecutrix show evidence of two fresh abrasion present i.e. 6 o'clock position, red and 2 inches away from 5 o'clock position, red. Thus, the medical case papers corroborate the prosecutrix's statement.

4. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Hence, the application for bail is rejected and disposed of as such. However, having regard to the age of the prosecutrix i.e. 14 years, the trial of the applicant is expedited, lest the prosecutrix forgets the incident, due to passage of time. The learned Judge to conclude the trial as expeditiously as possible and preferably within 12 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.

REVATI MOHITE DERE, J.