

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

CRIMINAL BAIL APPLICATION NO. 3129 OF 2018

Mohammad Gulzar Mohammad Ismail Khan	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Mohsin Khan for the Applicant.
- Mr.S.R. Agarkar, APP for the Respondent-State.
- Ms.Chaudhary, API, APMC Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th FEBRUARY, 2019.

P.C. :

1] This is application for bail in connection with C.R. No.128 of 2018 registered with A.P.M.C. Police Station for the offence punishable under Section 376 of the Indian Penal Code [*for short, "IPC"*] and under Section 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 [*for short, "POSCO Act"*].

2] The Prosecution case is that the mother of the victim had lodged the FIR on 20th May, 2018. At the time of incident, the age of the victim was about 3 years. On 17th May, 2018, the victim had complained of pain in her private part. The said fact was verified by the mother of the victim. Subsequently, the statement of the victim

was recorded by the Police as well as Child Welfare Committee. In both the statements, the victim has stated that the accused had subjected her to sexual assault by putting his finger in her private part. The Applicant was arrested and since then he is in police custody. It is submitted that the Applicant has been falsely implicated in this case.

3] Learned APP submits that the statement of the victim clearly attributes the role to the Applicant. There is no reason for her to falsely implicate the Applicant.

4] I have perused the FIR lodged by the mother of victim as well as the statements of the victim. The victim is aged about 3 years. As per the Prosecution case, the victim had visited the house of the Applicant for providing water. The victim has categorically stated that she was sexually assaulted, which amounts to offence punishable under Section 376 of IPC and under Section 4, 6 and 8 of the POSCO Act.

5] Considering the nature of allegations levelled against the Applicant, no case for grant of bail is made out. The Application is rejected.

[PRAKASH D. NAIK, J.]