

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

CCRIMINAL BAIL APPLICATION NO.3386 OF 2018

Ramesh Vijaybahadur Singh	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Rajkumar Yadav, Advocate for the Applicant.
Mr.M.G. Patil, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 17, 2019.

P.C. :

Applicant is arrested in connection with the offence registered with Kapurbawadi Police Station, District – Thane, vide C.R.No. I – 134 of 2018, for the offence punishable under Section 376 (1) of Indian Penal Code (“IPC”, for short) and Sections 3, 4 and 8 of Protection of Children from Sexual Offence Act (“POCSO”, for short).

2 Prosecution case is that the victim aged about 8 years, had gone to the toilet. The applicant-accused was known to the victim had followed her and entered into the toilet and sexually assaulted her. The applicant was caught on the spot by

the relatives of the victim and others. Statements of the witnesses clearly show that the applicant was in the toilet along with the victim. The victim's statement was recorded, in which she has stated that the applicant had sexually assaulted her. She had also referred to the earlier incident. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. There is no sexual assault. Medical evidence does not support the prosecution case. On perusal of the statements of witnesses and the victim, it is apparent that the applicant was apprehended at the place of incident, and, he was found in the toilet along with the victim. Considering the role attributed to the applicant, I do not find that the applicant had made out case for grant of bail. Hence, Bail Application stands rejected and disposed of.

(PRAKASH D. NAIK, J.)