

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

CRIMINAL BAIL APPLICATION NO. 2689 OF 2019

Hritik Dattatray Pache

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Rohan R. Sonwane, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th January, 2020

PC :

1. The applicant is seeking bail in C.R.No. 92 of 2019 registered with Shirval Police Station, Dist. Satara for offences punishable under Sections 377, 323, 504 & 506 of Indian Pena Code and Section 4, 6, 8, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The FIR was lodged on 19th May, 2019 by the mother of the victim. The victim is boy aged about 6 years. The accused is neighbour of complainant. He was visiting house of complainant, victim informed his uncle that accused had subjected him to unnatural Sex. The victim had informed the incident to the complainant. The victim told her that accused took him to his house and committed several acts mentioned in FIR. The supplementary

statement was recorded in which the complainant referred to one more similar incidents as told to her by victim. The said statement was recorded on 22nd May, 2019. The FIR was lodged by the mother of victim.

3. Learned Counsel for the applicant submitted that the applicant is boy aged about 19 years. There are no criminal antecedents against him. He has been falsely implicated in this case. There is delay in lodging the FIR. There is variation in the statements of the complainant recorded under Section 161 and 164 of Cr. P.C. The second incident of sexual assault was not referred in the FIR. The complainant has referred to the said incident in the supplementary statement. The second incident was to the knowledge of the complainant from the statement of other witnesses recorded prior to recording of supplementary statement of complainant, there is reference to second incident of sexual assault. The medical evidence is completely silent. The applicant is in custody from the date of arrest. There is improvement in the version of the complainant and the victim. The applicant is student.

4. Learned APP submitted that the offence is of serious nature. Version of the victim cannot be discarded at this stage. The victim has attributed specific role of subjecting the victim aggravated sexual

assault.

5. I have perused the FIR and other documents. The victim is child aged about 6 years. There is no reason to falsely implicate the applicant. Medical report mentions history of Sodomy four days back biting tongue and anal Sex. The child was examined after four days. Specific role has been attributed to the applicant. According to the victim he was subjected to unnatural sexual assault (Sodomy). considering the fact that applicant is young boy aged 19 years, trial can be expedited.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 2689 of 2019 stands rejected and disposed of accordingly.
- ii) Trial is expedited.

(PRAKASH D. NAIK, J.)