

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

BAIL APPLICATION NO. 356 OF 2020

Salauddin Ahmadali Shaikh

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Arun K. Rajput for Applicant

Mr. Y.M. Nakhwa, APP for State/Respondent

Mr. Jaysingh Jaybharage, PSI, Shivaji Nagar Police Station

CORAM : PRAKASH D. NAIK, J.

DATE : 09th MARCH, 2020

PC:-

1. This is an application for bail in C.R. No. 621 of 2018 registered with Shivaji Nagar Police Station for the offences punishable under Sections 376 (2) (F) (N) (I), 506 (2) of Indian Penal Code and under Sections 4,6,8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The First Information Report was lodged on 24th December, 2018 by the complainant, who is the member of NGO, 'Yuva Child Line'. She received call from worker of NGO that during the information provided to school children about sexual assault on girl

child, the victim child the victim child studying in 7th Standard had revealed that she is sexually abused by her father and uncle. The victim was approached on 22.12.2018 by complainant. She disclosed that her mother has expired one year ago. Her father sexually assaulted her. He performed second marriage. Her uncle also sexually assaulted her. She was threatened. On the basis of that, FIR was lodged. Statement of the victim under sections 161 and 164 of Cr.P.C. was recorded. Investigation has completed and charge-sheet is filed.

3. The learned counsel for the Applicant submits that the entire First Information Report is false. The medical evidence do not support the prosecution case. Victim had been instigated by the NGO to give statement against father and uncle. Teacher in the school had not lodged the complaint. The Applicant is the father and it is difficult to accept that he would subject victim to sexual assault.

4. The Applicant is the father of the victim and she has no reason to falsely implicate her father. The statement recorded under Section 161 and 164 cannot be brushed aside at this stage. The defence of discrepancy in medical evidence can be considered at the time of trial. The victim is a 12 year old, at the time of alleged incident. The

Applicant is the father of the victim, while the NGO had confided the talk with the children and were being informed about the good touch and bad touch, the victim had confined the incident. FIR was lodged and in the statement recorded under Sections 161 and 164, she had categorically attributed role to her father about sexual assault.

5. In view of the above, the contentions of the Applicant cannot be accepted. No case is made out for bail. The bail application is rejected.

(PRAKASH D. NAIK, J.)