

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

BAIL APPLICATION NO.2546 OF 2019

Rohit Laxman More ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Sandeep Mishra for the Applicant.
Mr. Y.M.Nakhwa, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 18th FEBRUARY, 2020

P.C. :

Heard.

2 The applicant is seeking his enlargement on bail in Crime No.218 of 2017 registered at Vagle Estate Police Station for the offences punishable under Sections 354, 363, 376 and 506 of the Indian Penal Code, 1860 ('**IPC**' for short) and under Sections 4,8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('**POCSO**' for short). In this case, victim is 12 a years child within the meaning of Section

2(d) of the POCSO Act, 2012.

3 It is alleged that the applicant had subjected her to penetrative sexual assault, an offence punishable with imprisonment, which shall not be less than 7 years but which may extend to imprisonment for life. Statement of the victim has been recorded under Section 24 of the POCSO Act, 2012. Though initially offence under Section 354 of IPC was registered , a supplementary statement of the victim and her mother if read along with the medical report, prima-facie, suggests that she was subjected to penetrative sexual assault.

4 Though the investigation in this case is over, offence alleged against the applicant is serious in nature. In view of the statement of the victim, who is 12 years old and also in view of the medical report, I have no reason to disbelieve the statement of the victim at this stage. Applicant is in custody since 20th November, 2017 and it is informed that till date charge

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has not been framed. The learned Special Court is, therefore, requested to frame the charge and conclude the trial expeditiously.

5 Application is accordingly rejected and disposed of .

6 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of refusal of bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)