

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

CRIMINAL BAIL APPLICATION NO. 2846 OF 2019

Prabhakar Bhika Giranje ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. Balasaheb R. Deshmukh for the applicant.
Smt. Geeta P. Mulekar, APP for the State/respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th JANUARY, 2020

PC :

1. The applicant is seeking bail in connection with C.R. No.96 of 2019, registered with Kothrud Police Station, Pune for offences punishable under Section 376 of Indian Penal Code, 1860 ('IPC' for short) and Sections 3, 4, and 8 of the Protection of Children from Sexual Offences, Act, 2012 ('POCSO' for short). First Information Report ('FIR' for short) was lodged on 20.03.2019.

2. The prosecution case is that, the mother of victim registered the FIR on 20th March, 2019, alleging that, she kept her two minor daughters at her aunt's house, as she is working as maid. She returned home at 3.00 p.m. Her minor daughter aged about three and half year complained

that neighbour of aunt of complainant had called her and sister to his house. He touched her inappropriately. He also touched her private part. The complainant made enquiry with elder daughter, who is aged about four and half years. She gave similar version. Thereafter complaint was lodged. On completing investigation, charge-sheet is filed.

3. Learned counsel for the applicant submitted that the applicant is falsely implicated in this case. The applicant is in custody from the date of arrest. Investigation is completed and charge-sheet is filed. Medical evidence does not support the version of the victim. Considering the age of the victims and the overt act attributed to the accused, there would have been injuries to the victim. There is no criminal antecedents against the applicant. It is difficult to believe that they were taken from the custody of the lady with whom they were kept by the complainant. The applicant is 57 year old person. Sangita Kokare with whom victims were kept is the neighbour of the applicant. She is having dispute with the applicant. The place of incident was chawl. There are several residents and it is difficult to believe that such incident had occurred.

4. The version of the victims cannot be dis-believed. They were minor children of three and half year and four and half year. Their statements were recorded. They have attributed overt act to the applicant amounting to offence under Section 376 of IPC. Medical evidence shows that although, there was no injury, perihymenal inflammation present. It is pertinent to note that the minor children were of smallage. Considering the material, no case for grant of bail is made out.

ORDER

(i) Bail Application No. 2846 of 2019, is rejected.

(PRAKASH D. NAIK, J.)