

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2912 OF 2019

Shri. Sadruddin Anwaruddin AnsariApplicant

V/s.

The State of MaharashtraRespondent

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Mr. Salman Khan, Advocate for the applicant.

Smt. J.S. Lohakare, APP for State.

Mr. Durgesh Dube, Shantinagar Police Station,
Bhiwandi present.**CORAM : SANDEEP K. SHINDE, J.****Wednesday, 8th January, 2020.****P.C. :**

1. Heard.

2. The victim is 14 years and 5 months old. She was born on 25th January, 2004. It is alleged that she was subjected to 'sexual assault' within the meaning of Section 7 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act" for short) by the applicant on 20th March,

2019, who is 35 years old. It is to be noted that the applicant and victim resided in the same building. It is alleged, the applicant had taken away the victim in a car from the school premises on the pretext that the victim's grandfather had suffered a heart attack. On this pretext, the victim was taken to Ashirwad Hotel, and was thereafter subjected to sexual assault. The witness present at the hotel premises corroborated the presence of applicant and victim at Hotel. Applicant pretended, that the victim was unwell and wanted to take rest for a while which clearly reflects malafides on the part of the applicant. From these presented facts, I have no reason to disbelieve the statement of victim who is hardly 14 years and 5 months old. The offence under Section 7 (sexual assault) of POCSO Act is punishable with imprisonment for a term which shall not be less than three years but which may extend to five years. In view of the facts of the case, the Bail Application stands rejected.

3. The trial is expedited.

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

(SANDEEP K. SHINDE, J.)