

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3074 OF 2019

|                          |               |
|--------------------------|---------------|
| Sabhapati Chabinath Bind | ...Applicant  |
| V/s.                     |               |
| The State of Maharashtra | ...Respondent |

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Mr. Ashok M. Chopra, Advocate for the applicant.  
Ms. P.P. Shinde, APP for Respondent-State.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 27<sup>th</sup> February, 2020.**P.C. :**

1. Heard.
2. It is the case of prosecution that both the minor victims were allegedly sexually assaulted by their relative, as could be seen from the narration recorded by the Medical Officer while examining them. The report was filed by N.G.O. on 04<sup>th</sup> October, 2018 and thereafter the statements of victims came to be recorded under Section 164(5) of the Code of Criminal Procedure, 1973 ("Cr.P.C." for short).
3. I have perused the statements of both the

victims. Prima facie, nothing has been pointed out by the applicant to disprove the present evidence. Though the medical evidence is not prima facie supporting the prosecution as stated herein above, at this stage, I have no reason to disbelieve the statements of the victims, who are siblings.

4. Investigation is over and final report has been filed and the applicant is in the custody since October, 2018.

5. In view of the narration in the statements of the victims as stated above and recorded under 164(5) of Cr.P.C., the bail application is rejected, however, trial is directed to be expedited.

6. The learned Judge is requested to conclude the trial, preferably, before 31<sup>st</sup> December, 2020.

7. Application is disposed off in the aforesaid terms.

**(SANDEEP K. SHINDE, J.)**