

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3213 OF 2019

Vishal Anand Dasari

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Kushal Mor, Advocate for the applicant.

Mr. S.R. Agarkar, APP for Respondent-State.

Mr. H.A. Shaikh, P.S.I, Bhiwandi City Police Station.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 11th February, 2020.**P.C. :**

Heard.

1. Applicant is seeking enlargement in Crime No.321 of 2018 registered with Bhiwandi City Police Station Thane for the alleged offences punishable under Sections 377, 506 of the Indian Penal Code, 1860 ("IPC" for short) and under Sections 4, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO" for short).

2. I have perused the final report.

3. It is submitted that the applicant is in the custody since year and half and medical evidence does not suggest that the victims were subjected to sexual assault. It is further contended that applicant's presence for the trial can be secured by imposing conditions and the applicant being 19 years old, he may be released on bail.

4. In this case, prosecution has alleged that the applicant had allegedly subjected the victim to penetrative sexual assault. The statement of minor victim has been recorded under Section 164 of Code of Criminal Procedure, 1973. Additionally, medical report of one of the victims also suggests sexual harassment caused to a victim.

5. Be that as it may, having regard to nature of accusation with punishment prescribed for the alleged offences, the application is rejected. However the POCSO special case No. 317/2018 pending

before the Additional Sessions Judge, Thane is directed to be expedited.

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

7. Application is disposed of in these aforesaid terms.

8. It is made clear that observations made hereinabove shall be construed as an 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.)