

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

CRIMINAL BAIL APPLICATION NO. 3333 OF 2019

Sanjay Kannyalal Agarwal ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Pankaj Dwidhi, Advocate for the Applicant.
Mr. S.R. Agarkar, APP for Respondent-State.
Mr. B.V. Suryawanshi, A.P.I., Nirmal Nagar, Police
Station.

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CORAM : SANDEEP. K. SHINDE, J.

DATE : 05th FEBRUARY, 2020.

P.C.

Heard.

1. It is an application under Section 439 of Code of Criminal Procedure, 1973 ("Cr.P.C." for short).
2. Applicant is seeking enlargement on bail in Crime No. I - 108 of 2019 registered with Nirmal Nagar Police Station for the alleged offences punishable under Sections 354, 376 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 4, 8, 12 of the

Protection of Children from Sexual Offences Act, 2012
("POCSO" for short).

3. I have perused the statements of victim recorded under Section 24 of POCSO and another statement under Section 164 of Cr.P.C. The complainant is mother of the victim. The offence under Section 6 of POCSO is punishable with imprisonment for a term not less than 10 years, but which may extend to imprisonment for life.

4. Learned counsel for the applicant submits that the applicant was 22 years old when the alleged incident had taken place and the trial may not commence in the near future. He has also relied a letter allegedly written by victim's mother to the Commissioner of Police wherein she has stated that the alleged incident had not occurred.

5. Be that as it may, I have no reason to disbelieve the statement of the victim of 4 years old

recorded under Section 24 of P0CS0 and another statement under Section 164 of Cr.P.C.

6. Thus, in view of nature of accusation made in two statements of the victim, application is rejected.

7. The learned trial Court is requested to expedite the trial in special case.

8. Application is disposed of.

9. 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.)_