

Bhogale

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

CRIMINAL BAIL APPLICATION NO. 240 OF 2020

RAMESH MARUTI REDDY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
CRIMINAL BAIL APPLICATION NO. 241 OF 2020**

RAMESH MARUTI REDDY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Kaushik M. Mhatre for the Applicant.
Mr. N.B. Patil, APP for the State-Respondent.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 2, 2021

P.C.:-

Heard learned counsel for the parties.

2. The FIR is dated 21.02.2019 registered for the offence punishable under Section 363, 376 of Indian Penal Code ('IPC' for short) read with Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act ('POCSO Act' for short). The Applications are disposed of by this common order as the

Applicant (Original Accused) in both the Applications is the same. The victim in respect of Criminal Bail Application No.240 of 2020 at the relevant time was 14 years of age. The victim in respect of Criminal Bail Application No.241 of 2020 at the relevant time was 16 years of age. The mother of the victim lodged report on 21.02.2019 that the victim aged 16 years went missing on 19.02.2019. Hence, FIR came to be registered against unknown person under Section 363 of the IPC.

3. After the victim girls were found, the statement of the victim in Criminal Bail Application No.240 of 2020 was recorded on 22.02.2019 whereas the statement of the victim in Criminal Bail Application No.241 of 2020 was recorded on 21.02.2019.

4. It is the case of the learned counsel for the Applicant that the ingredients for punishing the Applicant for the offence of kidnapping is not made out. The Applicant was only trying to help the victim girls who themselves called the Applicant for help. The Applicant gave shelter to the victim girls. To support his submission, learned counsel relied upon the statement of the owner of the room where the incident in question is said to have happened. Making a reference to the statement of Shri Shivpratap Nageshwar Kaunder, learned counsel made an

attempt to point out the conduct of the Applicant as well as victim girls, which according to him belie the case of the prosecution that the Applicant is responsible for committing the offence. It is further his case that the medical evidence on record does not support the prosecution case.

5. With the assistance of learned counsel for the Applicant and the learned APP, I have perused the record. The chargesheet in respect of the said case has already been filed.

6. In brief, it is the allegation that in the night of 20.02.2019, the victim girls made a phone call to the accused. The accused allured them and took the victim girls along with him to the transit camp which belonged to one of his friend. I have gone through the statements of the victim girls. Specific allegations of sexual assault against the Applicant are made by the victim girls. The allegations prima facie attract the provisions of Section 4, 8 and 12 of the POCSO Act. The victim girls at the relevant time were 14 and 16 years of age. Considering the nature of the allegation and the serious nature of the offence alleged, in my opinion, this is not a fit case for grant bail to the Applicant. Hence, the Application is rejected.

7. Considering that the Applicant is in custody since 23.02.2019, the trial Court is requested to expedite the trial.

8. Needless to mention that the observations made herein are only limited to deciding the question of grant of bail or otherwise and the trial Court not to be influenced by any observations made by me.

9. The Bail Application is disposed of.

(M.S. KARNIK, J.)