

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

CRIMINAL BAIL APPLICATION NO. 1137 OF 2020

Govind Chand Nindankar

.... Applicant

Versus

The State of Maharashtra and Anr.
Respondents

....

Mr. Vikas Shivarkar, for the applicant.

Smt. J.S. Lohokare, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 18th FEBRUARY 2021**

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 170 of 2019 registered at Samarth Police Station, Pune, under section 377 of the Indian Penal Code and under section 3,4,5 and 6 of the Protection of Children from Sexual Offences Act.

2. Heard Mr. Vikas Shivarkar, learned Counsel for the applicant and Smt. J.S. Lohokare, learned APP for the

State.

3. The FIR was lodged by mother of the victim in respect of incident dated 31/05/2019. The applicant was arrested on 1/6/2019 and since then he is in custody. The investigation is over and the charge-sheet is filed.

3. The only submission made before me by learned Counsel for the applicant is that the applicant is 70 years of age and therefore leniency should be shown to him.

4. Learned APP opposed this application strongly. She submitted that considering the nature of the allegations against him, it is absolutely unwarranted that any leniency should be shown to the present applicant.

5. I have considered these submissions. With the assistance of both the learned Counsel, I have perused the charge-sheet and in particular FIR as well as

statement of the victim dated 31/5/2019. On that day, when the informant saw that her victim son, who was 7 years of age, he looked agitated and scared. She gently questioned him. At that time he told her the act committed by the present applicant. On the next day, the informant lodged her FIR at the police station. During the investigation, statement of the victim was recorded. He has given detailed description of the incident. The description squarely falls within the meaning of Aggravated Penetrative Sexual Assault Act. The sections in respect of offences are properly applied. There is no question of showing any leniency to the present applicant. In the background of such allegations, there is no merit in the application. Bail cannot be granted in such a case to such accused.

6. The application is rejected.

(SARANG V. KOTWAL, J.)