

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

CRIMINAL BAIL APPLICATION NO.1372 OF 2020

Sunil Ravindra Mahajan

...Applicant

Versus

1. The State of Maharashtra

2. Vilas Ramakant Pandhare

...Respondents

Mr. Prashant C. Mohite for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent No.1–State

None for the Respondent No. 2

PSI Mr. Prakash A. Munde from Shivaji Nagar Police Station, Pune City, is present in Court

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 1st OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No.154/2017 registered with the Shivaji Nagar Police Station, Pune City, for the alleged offences punishable under Sections 377, 323, 506 of the Indian Penal Code; under Sections 4, 5(L)

(M), 6, 12, 17, 19, 21 of the Protection of Children from Sexual Offences Act and under Section 75 of the Juvenile Justice (Care and Protection of Children) Act.

3 Learned counsel for the applicant submits that there is nothing to show that the applicant is Maji, inasmuch as, the applicant's name is Sunil Mahajan. He further submits that there are no medical injuries which corroborate the alleged incident of sexual assault on the survivor boys. He submits that the applicant is in custody since 2020.

4 Learned A.P.P opposes the application.

5 Perused the papers. The complainant is the Secretary of 'X' Balgriha. The complainant lodged a complaint/FIR on 11th May 2017 with the Shivaji Nagar Police Station, Pune, alleging therein, that the children in need of care and protection, lodged in an Observation Home, during the period 1st January 2010 to 31st December 2015, were sexually assaulted by the applicant and others, in the said Observation Home. It is alleged that the applicant and other co-accused would show blue-films to the said boys and would sexually exploit them. He has further stated that the boys reported harassment to the office bearers of the Observation Home, however, no

action was taken against them, pursuant to which, he lodged a complaint on 11th May 2017.

6 During the course of investigation, statements of boys were recorded who were between the age group of 13 to 17 years. One of the victim boy aged 13 years, in his statement, has named the applicant and has stated that Muknik Sir, Alkunte Sir, Chhote Gaikwad Sir, Mothe Gaikwad Sir, would show blue-films to them and take them to a hall and would compel them to see the said films, after which, Tangu Maji (applicant), Gajni, Dhiraj, Kala Rahul would exploit them sexually. They have stated about the exploitation done by the applicant and others in the said Observation Home, in detail. The statement of another boy aged 16 years, shows the sexual exploitation done by the applicant and others in the said Observation Home. The said boy has named the applicant 'Sunil Maji' and has stated that the applicant had sexually exploited him.

7 In the facts, the question of medical injuries would not arise, inasmuch as, the incident pertains to the period 1st January 2010 to 31st December 2015, whereas, the FIR was lodged on 1st May 2017. The applicant was admittedly working as a caretaker in the said Observation Home and was arrested only on 18th March 2020. Two of the several

survivor boys have named the applicant, and have clearly spelt out his role. It is not in dispute that the applicant has been working in the said Observation Home during the said period and therefore, *prima facie*, the question of false implication would not arise. Young boys between the age group of 13 to 16 years were sexually exploited by the applicant and other office bearers of the Observation Home. The caretakers themselves had turned exploiters, who had sexually exploited young children. The applicant was absconding for almost 3 years and as such, the possibility of the applicant again absconding/not being available for trial, cannot be ruled out. The possibility of the applicant intimidating or tampering with the witnesses also cannot be ruled out.

8 Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Infact, having regard to the ages of the young boys involved in the present case, it would be in the interest of justice to expedite the trial, lest, the children forget the incident due to passage of time.

9 Accordingly the trial of the applicant is expedited. Having regard to the seriousness of the said case, the learned Judge to conclude the

case as expeditiously as possible and in any event, within 12 months from the date of receipt of this order.

10 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.