

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

CRIMINAL BAIL APPLICATION NO.1359 OF 2020

Shariful Sadik Mulla

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Sumant Deshpande, Advocate for Applicant.
- Smt.Anamika Malhotra, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th JULY, 2021

(Through video conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.83/2020 registered with Bandra Police Station, Mumbai, dated 03/02/2020 under sections 376 (2) (f) and 376 (2)(n) of the Indian Penal Code and 4, 5(ii), 6 and 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO'). The Applicant was arrested on 03/02/2020 and since then he is in jail.

2. Heard Mr.Sumant Deshpande, learned counsel for the Applicant and Smt. Anamika Malhotra, learned APP for the State.
3. The FIR is lodged by mother of the victim girl. The victim was of 13 years of age at the time of incident. The prosecution case is that, on 03/02/2020, in the midnight, the victim started crying. Her mother took her in confidence and asked her about the cause of her fear. That time the victim told her that the Applicant, who is father of the victim, had committed rape on her. The informant had also got scared. But she lodged her FIR.
4. Learned counsel for the Applicant submitted that the medical history given by the victim tells a different story. He submitted that there were others in the room and therefore incident could not have taken place in their presence.
5. Learned APP opposed this application. She relied on the statement of the victim recorded in this case.

6. I have considered these submissions. The victim has narrated the incident and has clearly implicated the present Applicant. The medical opinion also mentions that sexual assault cannot be ruled out. Thus, there is sufficient evidence against the present Applicant. Offence is heinous. The Applicant is father of the victim. No case for bail is made out. The application is therefore rejected.

(SARANG V. KOTWAL, J.)