

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

CRIMINAL BAIL APPLICATION NO. 1733 OF 2020

Tabrezali Hasanraza Khan	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Sufian Qureshi, Advocate for the Applicant.
Mr. Anees Shaikh, Advocate for the Intervenor.
Ms. Veera Shinde, APP for the Respondent – State.

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CORAM	:	PRAKASH D. NAIK, J.
DATE	:	22nd FEBRUARY, 2021

PER COURT:

1. The applicant is arrested in connection with C.R. No. 121 of 2020 registered with V.B.Nagar Police Station, Mumbai for offences under Sections 376, 354, 506 of Indian Penal Code and Sections 4, 6, 8, 10, 12 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The case of the prosecution is that the victim aged about 13 years was sexually assaulted by the applicant. The statement of the victim was recorded. She has stated that the applicant touched her inappropriately. He tried to insert his finger in her private part vagina and attempted to commit rape.

3. The contention of the applicant is that he is 80 years old

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person. He has been falsely implicated in this case. There is no corroboration to the version of the victim. Medical evidence does not support the case of the victim.

4. Learned APP submitted that, although the applicant is senior citizen, there is no reason to disbelieve the version of the complainant. Victim has attributed overt act which makes out offence of penetrative sexual assault.

5. Considering the material on record, no case for grant of bail is made out. Application is rejected and stands disposed of accordingly.

6. However, Considering the fact that the applicant is senior citizen, trial is expedited. The trial Court shall make endeavour to conclude the trial within 6 months from the date of receipt of this order.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)