

nsc.

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

***CRIMINAL BAIL APPLICATION NO.1786 OF 2019
(THROUGH JAIL)***

Govind Ashok Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Saswati S. Deb, Advocate appointed for the Applicant.

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th JANUARY, 2021

P.C. :

1. Heard learned Counsel for the parties.

2. By this application filed through jail, the Applicant seeks his enlargement on bail in connection with C.R.No.I-142 of 2015 registered with the Bazarpeth Police Station, Thane for the alleged offences punishable under Sections 354A, 377, 342 of the Indian Penal Code and under Sections 8 and 12 of Protection of Children from Sexual Offences Act.

3. Learned advocate appointed for the applicant submits that the applicant has been falsely implicated in the aforesaid case. She submits that as the applicant was aware of the affair between the complainant and the applicant's friend, the complainant has lodged a false case/FIR, as against the applicant. She further submits that there is discrepancy in the statement of the witnesses.

4. Perused the papers. The applicant is the uncle of the victim girl, aged 6 years. A perusal of the statement of the victim girl aged 6 years, reveals that the applicant had called her to his house where he sexually assaulted her. Due to the sexual assault, the victim girl screamed in pain and her mother reached the spot and found the applicant alongwith the victim girl. There are 2 witnesses, who had seen the incident i.e. the applicant lying on the victim girl and misbehaving with her. Since the mother and others reached on time, the victim girl was saved from aggravated sexual assault. The defence of the applicant will have to be tested at the time of the trial. *Prima facie*, what appears from the perusal of the statement of the witnesses is that the applicant was found in the room alongwith the victim girl in an inappropriate condition.

5. Considering the material as against the applicant, this is not a fit case to enlarge the applicant on bail.

6. Hence, the application for bail is rejected and disposed of as such. However, since the trial has commenced, inasmuch as, charge has been framed against the applicant on 17th August, 2019 and the applicant is in custody since 2015, the trial of the applicant is expedited. The learned Judge to conclude the trial as expeditiously as possible and in any event within 6 months from the date of receipt of this order.

7. 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.

8. Registry to communicate the above order to the Superintendent of Adharwadi Jail, Kalyan, who in-turn will communicate the same to the applicant, who is lodged in Adharwadi Jail, Kalyan.

REVATI MOHITE DERE, J.