

NSC.

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

***CRIMINAL BAIL APPLICATION NO.2157 OF 2019
(THROUGH JAIL)***

Anilkumar Ramcharan Bharati	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Manisha A. Devkar, Appointed Advocate, for the Applicant.

Mr. A. R. Patil, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th FEBRUARY, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application preferred through jail, the Applicant seeks his enlargement on bail in connection with C.R.No.113 of 2018 registered with the Dindoshi Police Station, Mumbai, for the alleged offences punishable under Sections 354A, 323, 504, 506 of the Indian Penal Code and under Section 10 of Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant submits that the allegations as against the applicant are false and baseless. She submits that the applicant is languishing in jail since 2018 and that till date trial has not commenced. She submits that the applicant's wife has lodged a false complaint against the applicant, as the applicant was addicted to liquor and only to teach him a lesson. She submits that the applicant's wife is even ready to take back the complaint as is stated by the applicant in his letter sent through jail.

4. Learned APP opposes the application.

5. Perused the papers in particular the statement of the victim girl, aged 14 years (daughter of the applicant). A perusal of the said statement shows that the applicant touched both his daughters inappropriately, when they were sleeping in the night. The said fact was disclosed by both the girls (applicant's daughters) to their mother i.e. the complainant.

6. Considering the nature of allegations, this is not a fit case to enlarge the applicant on bail, inasmuch as, the possibility of the applicant tampering or influencing the witnesses, cannot be ruled out.

7. Hence, the application for bail is rejected and disposed of as such. However, since the applicant is in custody since 2018 and also considering the age of the victim girls, the trial of the applicant is expedited. The learned Judge to conclude the case as expeditiously as possible and in any event within 6 months from the date of receipt of this order.

8. 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.

9. Learned APP assures to inform the aforesaid order to the concerned officers as well as the Superintendent of Thane Central Prison, who will ensure that the applicant is produced either physically before the trial Court or through video conferencing, as may be directed by the trial Court.

10. Registry to communicate the above order both to the applicant, who is lodged in Thane Central Prison as well as to the learned Additional Sessions Judge, Dindoshi, who is seized of the said case being Spl. Case Child Prot/0200197/2018.

11. I would like to record a word of appreciation for the able assistance provided and the efforts taken by Ms. Manisha Devkar in conducting the application. High Court Legal Services Committee to award fees of the learned Appointed Advocate, as per Rules.

REVATI MOHITE DERE, J.