

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

BAIL APPLICATION NO. 2186 OF 2019

Govind R. Chavan	 Applicant
v/s.	
The Superintendent of Police, Pune	
and anr.	 Respondents

Ms. Vaishnavi Gholave i/b. Mr. Vinod Sangvikar for the Applicant.
Mr. S.V. Gavand, APP for the State.
Ms. Ameeta Kutti Krishnan for Respondent No.3.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 05th AUGUST, 2021.

P. C. :-

. This is an Application under Section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Special Case (POCSO) No.127/2019 on the file of Additional Sessions Judge, Pune for offences punishable under Sections 377 and 506 of the Indian Penal Code and Section 3(a), 4, 5(e), 5(m) r/w. Section 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Ms. Vaishnavi, Gholave, learned counsel for the Applicant. She submits that the Applicant who was an employee of husband of the first informant, has been falsely implicated since he wanted to leave the

job and had demanded his dues. She states that there is delay in recording the statement of the victim.

3. Learned APP submits that the statement of the victim as well as the medical evidence prima facie proves that the Applicant is involved in committing sexual penetrative assault on the victim boy who was barely 09 years of age. He further contends that the victim had reported the incident to his mother late in the evening. He was taken to the local Doctor and on the same night, at about 01:20 a.m., the first information report came to be lodged against the Applicant.

4. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

5. The first information report prima facie reveals that the husband of the first informant is running an Ayurvedic Clinic. The Applicant herein was employed by the husband of the first informant to work in the clinic and to market ayurvedic medicine. The FIR reveals that on 03/02/2019, the victim had gone to play. When he returned home, at about 07:30 p.m., he appeared to be frightened. When the first informant took him into confidence and questioned him, the victim told

her that he was having pain in his anus. He narrated that the Applicant had taken him to the room at 1st floor and had canal intercourse. The statement of the victim also prima facie suggests that the Applicant herein had committed sexual penetrative assault on him. Medical evidence also prima facie corroborates allegation of unnatural sexual intercourse/anal penetrative assault.

6. There is thus prima facie material on record to indicate that the Applicant has subjected the victim, a young boy of 09 years to unnatural sex. The gravity of the offence and severity of punishment would not justify grant of bail. Hence, the Bail Application is dismissed.

7. Fees of the appointed advocate is quantified at Rs.5,000/-.

(SMT. ANUJA PRABHUDESSAI, J.)