

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.216 OF 2021

Ankush Manikrao Bansod.

..Versus..

State of Maharashtra.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Y.v. Nayyar, Advocate for the Applicant.
Ms. S. Jachak, A.P.P. for the Non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : APRIL 26, 2021.

Hearing was conducted through Video
Conferencing.

2. This is second bail application before this Court in terms of Section 439 of the Code of Criminal Procedure. The applicant was arrested in connection with Crime No. 1024/2019, registered at Kolhapurigate Police Station, Amravati for the offence punishable under Section 376[2][i][j] of the Indian Penal Code and Sections 4,6 and 10 of the Protection of Children from Sexual Offences Act. The applicant has mainly claimed bail by contending that the informant [mother of the victim] had turned hostile

and by the time the evidence of material witnesses has been recorded.

3. On the other hand the learned A.P.P. has resisted the bail by submitting that despite hostility of the informant, this Court had declined to grant bail which is reflected in the order dated 25.01.2021 passed by this Court in Criminal Application No. 1216/2020.

4. Perusal of the record indicates that the applicant is the neighbour of the informant. The victim, is a 5 year old daughter of the informant. On the date of occurrence, while the victim was playing, the applicant took the minor victim at his house and inserted his penis in her mouth and subjected penetrative sexual assault.

5. After investigation charge sheet has been filed. Trial has already commenced. So far the prosecution has examined three witnesses. The informant – mother of the victim has been examined, who has partially supported the prosecution case. Though she has not named the applicant in her evidence, however she has not denied the incident.

The trial Court has recorded evidence of the victim, wherein she appears to have identified the applicant who was produced through video conferencing.

6. This Court on earlier occasion has taken note that the informant was examined, still has shown non inclination to grant bail. The learned counsel for the applicant has practically wants this Court to appreciate the evidence, which is not permissible while dealing with the application for bail. The trial is on the verge of completion. Name of the applicant is mentioned in the first information report. The victim girl has also identified the applicant. Hence, at this juncture, it is not desirable to consider the prayer of the applicant for grant of bail. Criminal Application is, therefore, rejected.

7. The learned Trial Court to endeavor to expedite the trial.

JUDGE