

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

CRIMINAL APPLICATION (BA) 803 OF 2021

(Pawan s/o. Kailash More..vs..State, thr PSO, PS Dahihanda, Tq. Akot)

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

Court's or Judge's orders.

Mr. A.S. Londhe, counsel for applicant.
Mrs. K.R. Deshpande, APP for applicant /State.

CORAM: ROHIT B. DEO, J.

DATE: 03.09.2021.

Heard.

2. The applicant is seeking bail in connection with Crime 60/2018, registered with Police Station, Dahihanda, Tal. Akot, Dist. Akola, for offences punishable under sections 376(2)(I), 354-A(I), of Indian Penal Code and sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 ("POCSO Act").

3. The accusation is that the applicant sexually assaulted the 6 years old victim, who is his close relative. It is the prosecution case that the applicant closed the door of the room in which the victim was sleeping, embraced her and inserted finger in her vagina. It was the intervention of

witness Mrs. Laxmi, which prevented the applicant from continuing with the sexual assault. When the witness Mrs. Laxmi forced open the door, the trousers of the applicant were pulled down till the knees and so were the slacks of the child victim.

4. The version of the child victim is consistent. The statement of witness Mrs. Laxmi is recorded and prima facie substantiates the version of the child victim.

5. It is submitted, that the report is delayed. The learned Sessions Judge who rejected the bail has given sound reasons for holding that prima facie, the delay is well explained. The consideration by the learned Sessions Judge of the submission that the report is delayed, reads thus:

“As per First Information Report, incidence took place between 8.30 to 9.00 in the evening on 1.3.2018 and report was lodged on 19.10 hrs on 3.3.2018. The informant is not the mother of victim. If the statement of mother of victim is seen then she went to Akola on 1.3.2018 and she came back on 2.3.2018, and thereafter, she came to know about the incidence, and subsequently, her sister lodged

report. The mother and father of victim were out of village and after they came back, the report was lodged on next day. So, in such circumstances, in my view, the delay in lodging First Information Report appears to be proper and is not fatal to the prosecution case”.

6. The other submission, that the applicant is falsely implicated in view of the property dispute, is not substantiated by the material on record.

7. Considering that there is overwhelming material on record to prima facie connect the applicant with the crime, that the accusation is extremely serious inasmuch as the applicant allegedly sexually molested the 6 years old child victim, who is his close relative, and the fact that the applicant may be in a position to influence the witnesses, who are related to him, I am not inclined to exercise discretion.

8. However, the trial will have to be expedited. The learned trial Judge is requested to expedite the trial and to conclude the same within the next nine months.

9. If the trial is not concluded within the next nine

months, the applicant shall be entitled to apply for bail, afresh.

10. The Application is dismissed.

Judge

Belkhede