

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1282 OF 2021

Akbar Usuf Tadv

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. R.R. Kazi, Advocate holding for Mr. A.A. Fulfagar, Advocate for the applicant.

Mr. G.O. Wattamwar, APP for respondent/State.

Mr. C.V. Bodkhe, Advocate (appointed) for respondent No. 2.

CORAM : M.G. Sewlikar, J.

DATE : 6th JANUARY, 2022.

PER COURT :

1. Heard.

2. Victim is 4 years of age whereas applicant is 40 years of age. Victim is the daughter of the informant. It is alleged that the victim along with her friends had gone for easing in the open space. Applicant went there, picked up the child and inserted his finger into the vagina of the victim. The friends of the victim ran away on seeing this. Applicant was caught raid handed by the brother of the informant. When the mother of the victim came to know about this

incident, on examination, she found that blood was oozing from the vagina of the victim. On inquiry with the victim, she narrated the incident to her mother. Thereafter, First Information Report came to be lodged on the basis of which offence under Sections 376(AB) of the Indian Penal Code and under Sections 5(i)(m), 6, 9, 9(i), 9(m), 10 of Protection of Children from Sexual Offences Act came to be registered against the applicant.

3. Heard Shri Kazi, learned counsel for the applicant, Shri Wattamwar, learned APP for the State and Shri Bodkhe, learned counsel (appointed) for respondent No. 2.

4. Learned counsel Shri kazi submits that the applicant has three minor children. He submits that applicant does not have any criminal antecedents. Charge-sheet is filed. Therefore, his detention behind the bars is not warranted.

5. On perusal of the charge-sheet and First Information Report, it is seen that age of the applicant is 40 years. There is nothing on record to indicate that the applicant had any enmity with the parents of the victim so as to implicate him falsely. Medical

evidence also supports the case of the prosecution. Medical evidence indicates that blood was oozing from the vagina and there was swelling. Having regard to these circumstances, I am not inclined to release the applicant. Hence the following order:-

ORDER

- i) Application is dismissed.
- ii) Fees of the appointed counsel is quantified at Rs.5,000/-.
- iii) Application stands disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge