

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**931 CRIMINAL APPLICATION NO.3044 OF 2021
IN
APEAL/641/2021**

**ANIS S/O USMAN SAYYED
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant: Mr. Jaiswal Rupesh A
APP for Respondent No.1: Mr. M. M. Nerlikar
...

**CORAM: SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE: 13th JULY, 2022

PER COURT:

1. This is an Application for bail pending appeal. The Applicant was convicted for commission of offence punishable under Sections 376(2)(i)(f), 324 of the Indian Penal Code, 1860 and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The major punishment is imprisonment for life.

2. We have heard the parties and we have perused the Record and Proceedings.

3. The date of incident was 09.03.2017. The Applicant was arrested on 10.03.2017. The victim was his own daughter. She was about 9 years of age at the time of incident. Learned Counsel for the Applicant submitted that he is falsely implicated at the behest of his wife.

4. Learned APP strongly opposed this Application. He relied on the evidence of the victim and her mother. We have perused their depositions. PW-1 is the victim who was daughter of the Applicant. She has described the incident in detail. Her absence from the house and her going out with the Applicant is deposed by PW-2 who was her mother. She had lodged the F.I.R. The evidence of the victim is supported by the evidence of PW-5 Dr. Megha Dama, who was the Medical Officer who had conducted the medical examination. The medical evidence also shows that there were signs of recent forceful penetration of private parts. She has opined that the sexual intercourse could not be ruled out. There is

overwhelming evidence against the Applicant.

Hence, no case for grant of bail is made out.

5. Criminal Application is rejected.

6. The Record and Proceedings be sent back to the Trial Court for preparation of the paper book. After the paper book is ready, Record and Proceedings and paper book be sent back to this Court.

[BHARAT P. DESHPANDE, J.] [SARANG V. KOTWAL, J.]

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