

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

BAIL APPLICATION NO. 1118 OF 2021

Jalil @ Bhullan W. Khan

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr.Shantanu Phanse for the Applicant.

Mr. S.H.Yadav, APP for the State.

Mr. Rushikesh Kale, Amicus Curiae for the Respondent No.2.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 15th MARCH, 2022.**

P.C.

1. This is an application for bail filed by the Applicant who is arrested in Special Case No.93 of 2019 for offences under Section 376, 354, 341, 506 r/w. 34 of Indian Penal Code and Section 4, 6, 8 and 12 of the Protection of Children from Sexual offences Act, 2012.

2. Heard learned Counsel for the Applicant, the learned APP for the State, and the learned Amicus Curaie appointed to represent Respondent No.2. Perused the records and considered the submissions.

3. The Crime against the Applicant was registered pursuant to the complaint lodged by the mother of the victim, who at the

relevant time was barely 13 years of age. The FIR prima facie reveals that on 09.01.2019 the brother of the victim had seen the co-accused taking the child to a building which was under construction, and touching her inappropriately. On being questioned, the victim disclosed to her mother that the Applicant herein had taken her to his house and that he had sexual intercourse with her, on 09.01.2019 and on several occasions. She had stated that the accused used to lure her by giving biscuits, hair clips, bangles etc. She had also disclosed the names of the other accused who sexually abused her. The statement of the victim also indicates that the Applicant herein had sexually abused her. The medical report reveals old hymen tear which prima facie corroborate the statement of the victim. Considering the age of the victim, and the nature of the offence, in my considered view, this is not a fit case to grant bail.

4. Under the circumstances, the Application is dismissed.

PRASANNA P
SALGAONKAR
Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2022.03.17
11:30:06
+0530

(ANUJA PRABHUDESSAI, J.)