

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

BAIL APPLICATION NO. 2800 OF 2021

Pharuk @ Sameer Musa R. Sayyed

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Namdeem M.S.Shaikh for the Applicant.
Mrs. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 11th APRIL, 2022.**

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who is facing trial in Special POCSO Case No. 324 of 2020 for offences under Section 376, 506 of Indian Penal Code and Section 4 and 6 of Prevention of Children from Sexual Offences Act.

2. Heard Mr. Shaikh, learned Counsel for the Applicant and Mrs. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the mother of the prosecutrix. The FIR prima facie reveals that the prosecutrix had informed the Complainant that the Applicant had sexual intercourse with her on 12.02.2020. The statement of the prosecutrix also prima facie reveals that the Applicant had sexually abused her on

two occasions. The Medical report also reveals that the prosecutrix was subjected to sexual intercourse. The victim is 14 years old girl, whereas the Applicant is a married man of 37 years of age. The Applicant is residing in the neighborhood. The evidence of the prosecutrix is not yet recorded.

4. Considering the above facts, and the gravity of the offence, the Applicant is not entitled for bail at this stage. Hence the Application is dismissed.

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(ANUJA PRABHUDESSAI, J.)