

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

BAIL APPLICATION NO. 2283 OF 2022

Mr. Asgar Ali Shamshad Ali Sayyed ..Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Dinesh Mehari i/b. Aniket Wagal for the Applicant.

Mr. Shrikant Yadav, APP for the State.

P.I.Babar Uhsa, Dongari Police Stn. Present.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 23rd MARCH, 2023.

P.C.

1. This is an application under Section 439 Cr.P.C. by the aforesaid Applicant, who is facing trial in Spl. POCSO Case No.327 of 2021 pending on the file of the learned Session Court, Gr. Mumbai. The said case arises from Crime No. 12 of 2021 registered with Dongri Police Station, for offences under Section 376 of the Indian Penal Code and under Section 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective

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parties.

3. The material on record prima facie reveals that the Applicant who is over 35 years of age had subjected the minor victim to penetrative sexual assault. Learned APP states that the trial has already commenced, and that seven witnesses have been examined.

4. Considering the above facts and circumstances, I am not inclined to exercise discretion under Section 439 of Cr.P.C. The application is dismissed.

(ANUJA PRABHUDESSAI, J.)