

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

BAIL APPLICATION NO.3473 OF 2021

Virendrakumar Yadav

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Amandeep Singh Sra for the Applicant.

Mr. A.A. Palkar, APP for the Respondent No.1-State.

Mr. Tanveer Khan for Respondent No.2.

CORAM: G.A. SANAP, J.

DATED: 5th DECEMBER, 2023.

P.C:-

1. The accused has made this application for bail in C.R. No.I-717/2020 registered at Bhayander Police Station, for the offences punishable under Sections 201, 307, 363 and 376 of the IPC and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences, Act, 2012.

2. I have heard Mr. Amandeep Singh Sra, learned Advocate for the Applicant-accused, Mr. A.A. Palkar, learned APP for the State and Mr. Tanveer Khan, learned Advocate for Respondent No.2. Perused the records and proceedings.

3. Learned Advocate for the Applicant/accused submitted that the accused has been in jail for about four years. It is pointed out that the trial has not yet commenced. The learned Advocate submitted that in the facts and circumstances further incarceration of the Applicant is not necessary and warranted. It is submitted that the detention of the Applicant is not necessary for the purpose of custodial interrogation. Learned Advocate further submitted that the Applicant is ready to abide by the conditions that may be imposed by this Court.

4. Learned APP submitted that considering the heinous nature of the crime committed by the accused this is not a fit case to enlarge the accused on bail. Learned APP pointed out that the victim on the date of the crime was four years old. Learned APP took me through the medical examination report of the victim and pointed out that the victim was sexually assaulted by the Applicant. The learned APP submitted that possibility of the Applicant fleeing from justice as well as possibility of tampering with the prosecution evidence cannot be ruled out, if he is enlarged on bail.

5. The learned Advocate appointed to represent the victim has adopted the submissions advanced by the learned APP.

6. It is seen on perusal of the record that the offence committed by the Applicant falls in the category of aggravated form of sexual assault on a victim, who at the time of the incident was four years old. The injuries sustained by the victim to her private parts as well as on the other parts of her body indicate that the Applicant displayed the depravity of the worst kind. At the time of commission of the crime the accused was plying a bus. The victim girl was thrown out of the bus by the accused after sexual assault on her. A perusal of the record shows that the apprehension put forth by the learned APP and supported by the learned Advocate for the victim, is well founded. In my opinion, in such a serious crime the bail cannot be granted on the grounds put forth in the application. The bail application is therefore dismissed.

7. The learned Judge of the Trial Court, considering the serious nature of the crime, is requested to dispose of the case expeditiously and in any case within a period of one year from today.

8. Fees of the appointed learned Advocates be paid as per the rules.

(G.A. SANAP, J.)