



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [BA] No.226 of 2023

Edvin Michael Francis (In Jail)

vs.

State of Maharashtra, through P.S.O., M.I.D.C., Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. U.J. Deshpande, Advocate for the Applicant.

Mr. S.M. Ghodeswar, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 24th AUGUST, 2023.

Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

02] I have gone through the case diary. The allegations against the applicant is that he committed serious offence of penetrative sexual assault upon a minor victim girl, who is aged about 6 years old, at his house.

03] It is contended on behalf of the applicant that the accused has been falsely implicated in this case. There is inconsistency in the statements of the witnesses *inter se* as well as the inconsistency in the three statements made by the mother of the victim girl. It is contended that considering the facts that the applicant is aged about 60 years old, he is behind the bars since last ten months and the trial will take substantial time to conclude, the applicant be released on bail.

04] *Per contra*, the learned A.P.P. for the State vehemently submits that there is serious allegation of penetrative sexual assault upon a minor girl, aged about six years old and there is sufficient

material to connect the applicant/accused with the crime. The applicant, who is aged about 60 years old, has committed an act of penetrative sexual assault on a girl of six years old. Therefore, he prays for rejection of the bail application.

05] It appears from the statements of witnesses and the victim girl that the applicant/accused took the victim girl to a shop and bought a Fruity for her and then the applicant took her to his room where he inserted his fingers in her vagina and thereafter the victim girl returned home while weeping. There is a medical report, which also goes to show hymen tear and redness around the tear. Thus, there is a *prima facie* case against the applicant.

06] Considering the nature and gravity of the offence, particularly the fact that the victim girl is aged about six year old, no case is made out for grant of bail. Hence, the application is rejected.

JUDGE