



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

Criminal Application [BA] No.617 of 2023

Anvesh s/o Siddhartha Pawar

vs.

State of Maharashtra, through PSO, P.S. Barshitakli, District Akola and another

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

Court's or Judge's Orders

Mr. Mahesh Rai, Advocate for the Applicant.

Mr. S.M. Ghodeswar, A.P.P. for Non-Applicant No.1/State.

Mrs. Anuprita Mishrikotkar, Advocate for Non-Applicant No.2.

CORAM : M.W. CHANDWANI, J.

DATE : 30th AUGUST, 2023.

Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State assisted by the learned Counsel appearing on behalf of the prosecutrix.

02] The applicant seeks to enlarge on bail in Crime No.53/2023, registered by Police Station Barshitakli, District Akola for the offence punishable under Sections 376(a)(b) and 377 of the Indian Penal Code read with Sections 4, 5(m), 6 and 8 of the Protection of Children from Sexual Offences Act.

03] The allegations against the applicant are that he committed penetrative sexual assault on the victim girl of seven years old. I have gone through the case diary. Perusal of the case diary goes to show that on 11/02/2023, after completing the household work, when complainant, mother of the victim, came out of house, she did not find her daughter in the courtyard. The complainant started searching her daughter nearby the locality. One Amol Pawar of her locality told

the complainant that her daughter was playing near the Santro Car of the applicant. The complainant went near the Santro Car and noticed that her daughter was standing in bending position inside the Car behind the driver seat in half naked position and the applicant was sitting behind her i.e. on the rear seat of that Car. On knocking the door of the Car by the complainant, the applicant after some time opened the door. On inquiry, the applicant started giving evasive answers to the complainant. The victim girl informed to the complainant that the applicant inserted finger in her anus and also touched his penis to her anus. Therefore, on the next day, on the complaint of the complainant, the aforesaid offence came to be registered against the applicant.

04] There are statements of witnesses on record, who have seen the victim girl and the applicant in the Santro Car. There is a statement of victim regarding the alleged incident. So far the discrepancies in the medical evidence and the statement of witnesses are concerned, it is a matter of trial. Considering the age of the victim girl, nature of allegations against the applicant and severity of punishment prescribed for the alleged offence, at present, I am not inclined to exercise the discretion in favour of the applicant. Hence, the application is rejected.

JUDGE