

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

CRIMINAL BAIL APPLICATION NO. 1894 OF 2024

Parmeshwar Uttamrao Kale ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

Mr. Nagesh S. Khedkar, Advocate for Applicant.

Mr. P. P. Deokar, APP for State-Respondent.

Ms. Tahera R. Qureshi, Appointed Advocate for Respondent No. 2

Mr. Bharat Mane, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 26th SEPTEMBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicants are seeking bail in Crime No. 1058 of 2023 registered with Wakad Police Station, Pune for the offence punishable under Sections 354-A and 354-C of the Indian Penal Code, 1860 and Sections 7, 8, 9 and 10 of the Protection of Children for Sexual Offences Act, 2012.

3) The victim in the present matter is five years of old and in the statement recorded under Section 164 of the Code of Criminal Procedure, 1973, she has narrated the incident, which attracts the provisions of POCSO Act, 2012. Moreover, her statement supports the case of the prosecution.

4) Thus, since there is sufficient incriminating material available on record against the applicant to show his involvement in the alleged offence and further since the offence is heinous one, I am not inclined to grant bail.

5) The learned Counsel for the applicant states that the applicant though asked the victim to hold and press his penis but there is no mention in the statement of the victim that she did so. This argument cannot be accepted considering the age of the applicant. The learned Counsel for the applicant is expecting from a five years old child that she should narrate each and every detail.

6) In the circumstances, the Application is rejected and disposed of.

7) Fees of the Ms. Tahera R. Qureshi, Appointed Advocate for Respondent No. 2 to be quantified as per the Rules.

[ANIL S. KILOR, J.]