

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

CRIMINAL BAIL APPLICATION NO.2606 OF 2022

Ashpak Hanif Fhakir

.... Applicant

V/s.

State of Maharashtra & Anr.

.... Respondents

Mr.Satyavrat Joshi i/b Mr.Nitesh J. Mohite, for the Applicant.

Ms.Poonam P. Bhosale, APP, for Respondent-State.

Mr.M.G. Shukla, Appointed Advocate, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 06th FEBRUARY 2025

P.C:-

. By this Application, Applicant is seeking regular bail in Crime No.32 of 2022, registered with Patan Police Station, for the offence punishable under Sections 366A, 370(1)(A), 376(2)(L)(J)(N), 376(3), 376(D), 376(DA) and 506 read with Section 34 of the Indian Penal Code, 1908 ('IPC' for short), under Sections 4,6 and 17 of the Protection of Children From Sexual Offences Act, 2012 ('POCSO' for short) and Section 5(C)(G)(J) of Immoral Traffic (Prevention) Act, and Bal Naya Adhiniyam Act, 1975.

2. It is prosecution case that, the Applicant is father of the victim's friend and he took away the victim at various places and sexually assaulted her. The victim was 13 years and 5 months old, at the time of the incident. She is 25% differently abled.

3. It is contention of the learned counsel for the Applicant that, the Applicant is behind bar more than 3 years. Yet trial has not been concluded. On the ground of long incarceration the Applicant is seeking bail. Hence, requested to allow the Application.

4. It is contention of the learned APP along with learned counsel for Respondent No.2 that, at the time of the incident the victim was 13 years and 5 months old. She differently abled. The Applicant is father of victims friend, he repeatedly sexually assaulted her. The maximum punishment for the offence is life imprisonment. The Trial is in progress. Two witnesses have been examined. The learned APP further submitted that, due to sexual assault the victim got pregnancy of six weeks. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused charge-sheet. The allegations against the Applicant are that, he is father of victim's friend he took away victim, who was 13 years and 5 months old and 25% differently abled and sexually assaulted her at various places. The trial is in progress. Two witnesses have been examined. Considering these facts, I pass following order.

ORDER

- (i) The Application is rejected.
- (ii) All pending Applications are disposed of.
- (iii) The Trial Court shall decide the case on its own merit, uninfluenced by the observations made in this order.

(SHIVKUMAR DIGE, J.)