

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

903. CRI. APPLN/4407/2015

GAURAV S/O KACHRU GHAYTILAK
V/S
THE STATE OF MAHARASHTRA

Mr. H.P. Kshirsagar, Advocate for applicant.

Mr. P.N. Muley, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 9th September, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. The previous application filed for bail by the present applicant was rejected by this Court. The report of the Presiding Officer was called to ascertain as to why the progress is not made in the case. The report shows that the submission was made by the counsels of the accused and they had filed certain applications and so, the witness summons were not issued.

2. The case is filed on the basis of report given by victim girl, who was aged about 14 to 16 years. She is resident of Anjangaon, District Amravati. Due to some dispute with the parents, she had left the house of parents and she had come to Aurangabad on 1.3.2014. In incident dated 3.3.2014 present applicant and his friends took this girl from garden where she

was playing, to a room of applicant and there she was raped. The case is of gang rape and the chargesheet is filed for offences punishable under the provisions of Protection of Children from Sexual Offences Act, 2012 (Sections 5 (g), 6, 7, 8, 18) also.

3. There is record like statement of victim girl and there is also statement of one neighbourer of the applicant, who had seen the applicant, taking the said girl inside of the room, where the girl was raped. The learned counsel for the applicant submitted that he had not raped the girl and he is falsely implicated. He submitted that his room was also not used. These submissions cannot be accepted at this stage in view of the material already collected.

4. The submission of the applicant that the girl was probably involved in prostitution, cannot be considered as record of medical examination shows that many injuries were found on her person. She was found on the street, when police noticed helplessness of the girl. The inquiry was made and then the incident was disclosed. The medical examination is consistent with the aforesaid allegations. The probability that she had crossed the age of 18 years cannot be considered at this stage

in view of of the medical record which needs to be considered as it is. Such incidents are increasing day by day and in city like Aurangabad, when minor girl comes from other places, the persons like applicants are doing such things. Serious offence is committed and so, the bail is refused by this Court in the past. There has been no change in circumstances and it appears that the accused are not showing interest in making progress of the matter.

5. In the result, the application stands rejected.

[T.V. NALAWADE, J.]

ssc/