

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

BAIL APPLICATION NO. 1119 OF 2015

Shri Rohit Jaywant Mane

.. Applicant

Vs.

State of Maharashtra

.. Respondent

Mr. Kuldeep S. Patil for the Applicant.

Mr. Arfan Sait, A.P.P. for Respondent - State.

Mr. M.V. Damase, HC/1797, Tasgaon Police Station, Dist. Sangli, present.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : JULY 31, 2015

P.C. :-

1 The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 376(2), (F), (I), (N), 366, 452, 506 of the Indian Penal Code and Sections 4, 5, (L), 6, & 8 of POCSO Act in C.R. No.255 of 2014 registered with Tasgaon Police Station, District Sangli.

2 It is the case of the prosecution that applicant/accused is paternal uncle of the prosecutrix, who is 16 years and 11 months old and school going girl. That on 9.10.2014 applicant/accused who is 27 years old, took her out culvert near a temple and raped her. Thereafter again on 3.11.2014 when she was alone in the house he raped her. He was arrested on 4.11.2014. Hence, this bail application.

3 Learned Counsel for the applicant/accused submitted that there is a discrepancy of her statement before the Medical officer and her statement recorded by the police. In the statement before the Medical officer, she did not say of the second incident of rape but she mentioned that attempt to rape on 3.11.2014. However, in the statement recorded by the police she had stated that second time also he has raped. The learned counsel submitted that it appears that she has given different versions and, therefore, benefit is to be given to the applicant/accused by releasing him on bail.

4 The learned prosecutor opposed the application. He relied on the medical certificate and her statement recorded before the police and the statement of her father. He submitted that prosecutrix was minor i.e. below 16 years old.

5 Perused all the papers, medical certificate in favour of case of the prosecutrix. Considering the contents in the F.I.R. and the statement of the prosecutrix recorded by the police, it is prima facie a case of rape. The applicant/accused is paternal uncle of the prosecutrix and prosecutrix is minor. In view of this it is not a case to grant bail.

6 The Bail Application is rejected.

(MRS. MRIDULA BHATKAR, J.)