

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

BAIL APPLICATION NO.1472 OF 2015

Rajesh Shankar More

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Amol S. Suryawanshi for the Applicant

Mr. Y.M. Nakhwa, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE :4th DECEMBER, 2015.

P. C. :

This is a bail application filed by the aforesaid Applicant, who is an accused in Sessions Case No.7 of 2015 pending on the file of Additional Sessions Judge, Islampur. Said case arises from C.R. No.202 of 2013 registered with Islampur Police Station, Sangli, for the offences punishable under section 376 of the IPC and sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Mr. Suryawanshi, the learned counsel for the Applicant has submitted that the Applicant is not involved in commission of the offences and that the medical evidence does not support the case of the

prosecution. He has further submitted that the Applicant is suffering from brain ailment. He, therefore, urges that the Applicant may be released on bail.

3. The learned APP submits that the victim is a 11 years old girl and that the medical evidence prima facie corroborates the statement of the victim. She further stated that the trial has not commenced and that the Applicant is not entitled for bail.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The statement of the victim, who is a 11 years old child reveals that the Applicant herein had sexually abused her. The statements of the witnesses also prima facie reveals that immediately after the said incident the victim had narrated the said incident to them. The medical evidence also prima facie reveal that there was tenderness on the private parts of the victim and the Doctor has not ruled out the possibility of sexual assault /intercourse.

5. The offence is of serious nature. Trial has not yet commenced. Release of the Applicant on bail, at this stage can hamper the trial. It may be mentioned here that there is no material on record

to show that the Applicant is suffering from serious ailment, which warrants his release on bail. The records reveal that the Applicant is taking treatment for psychiatric illness. The jail authorities are directed to ensure that the Applicant is provided necessary treatment for the said ailment.

6. Considering the above facts and circumstances, the Applicant is not entitled for bail. The application is therefore, dismissed.

(ANUJA PRABHUDESSAI, J.)