

Criminal Application No 1214 of 2014
IN
Criminal Appeal No 76 of 2015

MOHIT ALIAS DATTATRAYA VISHNU WAIKAR	...Applicant.
V/S	
THE STATE OF MAHARASHTRA	...Respondent.

THROUGH JAIL
SHRI PRASHANT HAGARE, APPNT. ADV. FOR THE APPLICANT.
MR. A.R. PATIL, APP, FOR THE STATE.

CORAM : A. R. JOSHI, J.

DATE : 2nd SEPTEMBER, 2015

P.C.

1. Heard learned Counsel for the applicant / appellant on this application for bail during pendency of appeal and suspension of substantive sentence.
2. The applicant is convicted for the offence punishable under Section 376(2)(f) of Indian Penal Code and sentenced to suffer RI for 10 years. The medical evidence of Doctor PW-7 corroborates the case of prosecution as to forcible sexual intercourse on the tender age girl of about 8 to 9 years committed by the applicant, maternal uncle of the prosecutrix.

The substantive evidence of the mother of the girl and also of the girl herself is convincing and so held by the trial Court. The allegations against the applicant are that when the prosecutrix along with her another friend by name Sejal was playing, the applicant took both the girls to his house. He was residing in the neighbourhood of the prosecutrix being her relative. After coming to his house, he asked Sejal to leave and thereafter committed forcible sexual intercourse on the prosecutrix. This happened in the afternoon and in the evening when the mother of the prosecutrix came back home the girl narrated the incident. The mother also witnessed blood stains on the clothes of the girl and thereafter information was given to the police.

3. A very serious offence is proved against the applicant. During the trial the applicant was not on bail. So also the offence punishable under Section 376(2)(f) of IPC is proved against him. He is in maternal relations with the prosecutrix girl, then aged about 8 to 9 years of age. All these circumstances do not warrant the applicant to be released on bail during pendency of appeal. Hence present application is dismissed and accordingly disposed of.

4. The main appeal be added in the final hearing board in the month commencing from October, 2015 as the applicant had already undergone half of the substantive sentence.

5. Present order be communicated to the applicant through concerned jail authorities.

(A. R. JOSHI, J.)

Deshmane (PS)