

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.104 OF 2015

Krishna @ Kisan Hanmanth Jadhav	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Kuldeep Patil i/b. Mrs. Suman Lengare, for the Applicant.
Mrs. R.V. Newton, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JUNE 23, 2015

P.C.:

. The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 376, 504 and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act in C.R. No. 76 of 2014 registered with Atpadi police station, Sangli.

2. It is the case of the prosecutrix who is 17 years old that, the applicant/accused is her distant grand-father. However, he is known person in the village and he is a respected person in their family. It is the case of the prosecutrix that she was residing at Akluj away from her house for the

purpose of classes of MH-CET. At that time, on 2nd April, 2014 applicant/accused had arrived at her room. He took her out in his car on the pretext of having lunch outside and he sexually abused her in the car. She shouted and thereafter people started looking at the car. So he brought her back. However, he threatened her that she would not utter about the incident to anyone. The prosecutrix due to fear, pressure and embarrassment, could not tell this incident to her family members. Thereafter, on 30th April, 2014 she returned home. The applicant/accused used to take chance by touching her private parts and also used to threaten her.

3. It is further case of the prosecution that, on 4th June, 2014 when she was at home, the applicant/accused arrived and he started abusing her and when he wanted to rape her, she screamed and resisted. Thereafter, somebody came and the applicant/accused left her. Then, the prosecutrix disclosed this incident to her parents and then the complaint was lodged against the applicant/accused and he was arrested on 8th June, 2014. Hence, this application.

4. The learned counsel for the applicant/accused submitted that the complaint is false. He relied on the medical examination of the prosecutrix. He submitted that there is no specific mention in respect of

forcible intercourse or penetration and the opinion is reserved. He relied on other clinical observations of the medical examiner. He submitted that applicant/accused is in prison since last one year. He further submitted that the report of Forensic Department is in negative in respect of involvement of the applicant/accused in the crime.

5. The learned prosecutor opposed the bail application and relied on the complaint of the prosecutrix.

6. Perused the First Information Report, the medical papers and the report of the clinical examination of the girl. So also the C.A report. It is true that, C. A. report do not speak about the finding of Semen on the clothes of the prosecutrix. However, considering the allegations made in the complaint, the relationship between the applicant and the prosecutrix and the position of the applicant/accused in the family and their village *prima facie* I am of the view that this is not a fit case to grant bail.

7. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)