

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 158 OF 2015

Nitin Lalaso Gaikwad

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Ranjeet M. Pawar for Applicant
Ms. R. V. Nevton APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : MARCH 3, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 11/06/2014 in crime no. 102 of 2014 registered at Vadgaon Nimbalkar Police Station for offence punishable under section 376 of Indian Penal Code and under the provisions of Protection of Children from Sexual Offences Act.

2) It is the case of prosecution that on 10/06/2014, Sujata Waghmare lodged a report that she is a mother of 16 years old daughter who is the victim of low I.Q. That the mother had noticed the distinct behaviour of her daughter for quite sometime. She had realized that victim had conceived pregnancy.

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She had taken the victim to the hospital and it was revealed that she was carrying pregnancy of 7 months. Upon inquiry, victim had told her mother that when she used to be alone at home, one person used to come home and give her eatables and 10 rupees and thereafter, he used to ravish her. He used to visit the house intermittently. Sometimes, he used to take the girl towards grave yard and other places and ravish her. F.I.R. was lodged against unknown person. Victim was examined on 07/07/2014. Doctor had observed that patient is suffering from mental disability as a result of moderate mental retardation. Statement was recorded on 15/07/2014. She has named present applicant as the perpetrator of the crime. She has specifically stated that applicant is responsible for the pregnancy conceived by her.

3) Perused papers of investigation. Learned counsel for the applicant rightly submits that report regarding physical and mental examination of the victim does not find place in the compilation of the charge-sheet. It is further submitted that in fact, victim had disclosed the name of the present applicant to her mother, however, his name does not find place in the F.I.R. Learned counsel for the applicant submits that possibility of false implication cannot

be ruled out. However, as on today, it is a matter of record that the victim has named present applicant. Applicant cannot be entitled to the grant of bail on account of lacunas in investigation.

ORDER

- (i) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)