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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.294 OF 2015

Tahir @ Wahid Haiderali Sayyed	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Afshan Ghogari, for the Applicant.
Ms.A.J.Javeri, APP for the State.
W-PSI Mane, Shivaji Nagar Police Station.

CORAM : REVATI MOHITE DERE, J.

DATED : 17th FEBRUARY, 2015.

PC.

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.355 of 2014 registered with the Shivaji Nagar Police Station, for the alleged offences punishable under Sections 376(f) r/w 34 of the Indian Penal Code and Section 4 of the POCSO Act.
3. According to the prosecutrix, who is the complainant, aged 17 years when she had gone to reside at her sister's place, three months prior to the

date of the registration of the FIR, the alleged incident had taken place. She has stated that when her elder sister Rani was sleeping one night, the present applicant, who is Rani's husband, outraged her modesty and committed forcible sexual intercourse on her. She has stated that the applicant threatened to defame her in the society, if she disclosed the said incident to anyone.

4. Learned Counsel for the applicant states that the applicant has been falsely implicated in the present case and it was highly impossible that the applicant who resided with his wife and three children would commit such an act in a small room ad-measuring 10' X 20' sq.feet. Learned Counsel states that only because the present applicant assisted the prosecutrix's mother in locating her, that a false complaint came to be registered as against the applicant.

5. Perused the charge-sheet, the FIR and the 164 statement of the prosecutrix as well as the medical history given to the doctor and the medical records. The FIR is consistent with the 164 statement of the prosecutrix and is corroborated by the medical history given to the doctor as well as the medical records.

6. Considering the nature of allegations, prima-facie, this is not a fit case for granting bail to the applicant.
7. Hence, the Application for bail is rejected and disposed of as such.
8. Needless to observe that the trial court shall decide the case on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)