

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Vijay Sakharam More	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Ms.Deepali M. Patankar, for the Applicant.
Ms.PPShinde, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.
DATED : 9th MARCH, 2015.

P.C.

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.I - 101 of 2014, registered with the Boisar Police Station, Palghar, for the alleged offences punishable under Sections 376 (2),(F),(I),(J),(L),(N)of Indian Penal Code read with provisions of Sections 3, 4, 5,(K), (L), (N) and 6 of the Protection of Child from Sexual Offences Act, 2012.

3. The applicant is aged 35 years whereas the prosecutrix is aged 13 years. The prosecutrix is a disabled girl, unable to speak. She communicates by sign language. The mother of the prosecutrix has lodged an FIR on 27th May, 2015. It is alleged in the complaint, that the prosecutrix had disclosed to her mother that for last six months she had pain in her private part. It is alleged that when the mother of the prosecutrix verified the same, she noticed certain injuries on the same. It is alleged that on 25th May, 2014, when the mother and father of the prosecutrix had gone to attend their work, one Vinay Mishra told the mother of the prosecutrix, that the accused had sexually assaulted the prosecutrix and that he came to know about the said incident from the sisters of the prosecutrix. It is alleged that when the mother of the prosecutrix made inquiry with her other daughters i.e. sisters of the prosecutrix, they narrated the incident of the sexual assault, on the prosecutrix by the accused. The applicant is the paternal uncle of the prosecutrix. The sisters of the prosecutrix are eye-witnesses to the actual sexual assault on the prosecutrix. They had seen the applicant sexually assaulting the prosecutrix after which they narrated the incident to one Vinay Mishra.

4. Perused the statement of the prosecutrix, the medical evidence and the entire charge-sheet.
5. Considering the serious nature of allegations and the material on record, this is not a fit case for granting bail to the applicant.
6. Hence, the Application for bail is rejected and disposed of as such.
7. Needless to observe that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)