

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.575 OF 2015**

Ashok Mahadev Karve
Versus
State of Maharashtra

....Applicant.
...Respondent.

Mr. Rahul S. Kate, advocates for the Applicant.
Mr. Arfan Sait, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : April 10, 2015.**

P.C.:

The application is moved for bail as the applicant-accused is facing charges under Sections 376(f), 323, 504 of the IPC and under Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012.

2 It is the case of the prosecution that the victim gave information to the police on 24.11.2014. At that time, she was 20 years old. She is resident of Tasgaon. The applicant-accused is husband of her real maternal aunt. Prosecutrix generally used to go to her maternal aunt to spend summer vacation. In 2007, when she was nearly 13 years old,

the applicant-accused at 4' 0 clock took her on his motor-cycle under the pretext of giving water to sugar-cane crops. He took motor-cycle deep in the crop and then, he raped her. She shouted and cried. He slapped her and threatened that if she would disclose it to anybody, he would kill her brother. She was scared. She did not disclose this to anybody. Then thereafter her parents used to send her to maternal aunt along with other siblings. She used to stay with her maternal aunt and at that time, applicant-accused raped her 3-4 times in every summer vacation for a period of 2007-2013. She did not lodge complaint because she was scared. In March, 2014 after she completed her 12th standard, she got married. She started living with her husband at Hadapsar. Again in July, 2014, she came to her maiden home. At that time, applicant-accused arrived there and demanded from her sexual relations with him. She refused as she was married. So she abused him. Next day, she went back to her matrimonial home. That time her husband questioned about her relationship with the applicant-accused. Prosecutrix told him the truth. Her husband got angry and left her to her maiden home at Tasgaon. Again two days earlier to the lodging of the complaint, applicant-accused arrived at Tasgaon and demanded sexual relations and he threatened her that she cannot live with her husband. She, therefore, went to the police station and gave information to the police pursuant to which offence was registered at C.R.No.153 of 2014 at Ashta police station, Sangli.

3 The learned counsel for the applicant-accused submitted that there is delay in lodging FIR. On this ground only statement of the prosecutrix appears to be imaginary and unbelievable. He submits that the applicant-accused is in custody since 25th November, 2014. He is to be released on bail.

4 The learned prosecutor opposed the bail application and relied upon the statement of prosecutrix.

5 The prosecutrix has very specifically mentioned how the applicant-accused has committed rape for the first time when she was 13 years old and he repeated it in every summer vacation when this minor girl visited to her maternal aunt's house. Thereafter, though she was married, he blackmailed her. In view of the facts of the case and evidence against the applicant-accused, prima-facie, this is not the case for bail. Hence, bail application stands rejected.

(MRS.MRIDULA BHATKAR, J.)