

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.655 OF 2015

Yogesh Natha Walunj ... Applicant
vs.
The State of Maharashtra and Another ... Respondents

Mr. Pavan S. Patil, for the Applicant.
Mrs. R.V. Newton, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 28, 2015

P.C.:

. The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Section 376(D) of the Indian Penal Code and Sections 3, 4(g) and 6 of Protection of Children from Sexual Offences Act, 2012 in C.R. No. 188 of 2014 registered with Vishratwadi police station, Pune.

2. The prosecutrix gave information on 9th June, 2014 at around 10.50 am. As per the case of the prosecution, the prosecutrix who is 15 years old had fight with her mother on 8th June, 2014 in

the evening. So she left the house and she started walking. When it was dark, she wanted to return the home. Therefore, she asked for the lift. One blue colour four wheeler stopped and the applicant/accused along with his friends gave her lift. It is her case that the prosecutrix asked the applicant/accused that whether they will leave her at Moshi village and they agreed. After some time, they stopped vehicle at one ground and both the accused forcibly raped her. Thereafter, she slept in the car as she was tired. At around 2.30 am she was woke up by the police persons and they questioned the prosecutrix that what she was doing there and then she gave first information report. The applicant/accused and co-accused were arrested on the same day. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that it is a consensual sexual intercourse and the applicant/accused is innocent. He submitted that the applicant/accused is in the prison since last one year and hence he be released on bail.

4. The learned prosecutor opposed the bail application. He relied on the first information report and the age certificate of the

prosecutrix. He also relied on the medical certificate.

5. Perused the first information report. The prosecutrix appears to be of 15 years old minor. On perusal of the medical certificate, it discloses that there was a finding of sexual intercourse. Under such circumstances, no bail can be granted. Hence, the bail application stands rejected.

6. However, considering the facts of the case and age the of the applicant/accused, the learned trial Judge to endeavor to take up the matter and to complete it on or before 30th November, 2015 as it is a short case.

(MRS.MRIDULA BHATKAR, J.)