

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.477 OF 2015****IN****CRIMINAL APPEAL NO.935 OF 2014**

Vanita Vasant Patil

...Applicant.

versus

The State of Maharashtra

..Respondent.

.....

Mr. Kuldeep S. Patil for the Applicant.

Mrs. S.D. Shinde, Addl.P.P. for the State.

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**CORAM : SMT V.K. TAHILRAMANI &
A.S. GADKARI, JJ.****3rd September, 2015.****P.C. :**

Heard the learned counsel for the Applicant - original accused No.2 and the learned APP for the State.

2. By the judgment and order date 28th October, 2014 passed by the learned Additional Sessions Judge, Raigad, Alibag in Sessions Case No.63 of 2013, the Applicant - original accused No.2 has been convicted under Section 376(2)(b), 109 of the Indian Penal Code read with Section 5(c), 6 and 17 of the Protection of Children from Sexual Offence Act. The Applicant is now seeking bail.

3. P.W.1 is the victim girl. At the relevant time she was studying in 7th standard at primary school wherein the Applicant was the headmistress. The co-accused was the class teacher of the victim girl. The victim girl has clearly stated that original accused No.1 had called her. She went to the computer room. Then the Applicant who was standing near the door of the computer room pushed her inside the computer room and bolted the door of the computer room from outside. The victim girl saw that original accused No.1 - Datta Jadhav was present in the computer room. He forcibly removed the clothes of the victim girl and raped her. After some time the Applicant opened the door of the computer room. Thereafter the victim girl has described the various acts done by accused No.1 Datta including Accused No.1 taking photographs of the breast and private part of the victim girl on his mobile. The evidence of the victim girl clearly shows the complicity of the Applicant in the said case. Looking to the role played by the Applicant, we are not inclined to grant bail.

4. Learned counsel for the Applicant submitted that the medical evidence does not show that the victim girl was raped.

However, we find that P.W.14 – Dr. Shrinivasan has clearly stated that it is not correct to say that he did not find any sign of rape.

5. Thereafter learned counsel for the Applicant submitted that the Applicant is a lady and she is about 60 years of age. Hence, she may be granted bail. However, looking to the role which we have narrated above played by the Applicant, we are not inclined to grant bail on these grounds also. However, the hearing of the Appeal is expedited.

The Application is disposed of in above terms.

(A.S. Gadkari, J.)

(Smt. V.K. Tahilramani, J.)