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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.758 OF 2015
IN
CRIMINAL APPEAL NO.631 OF 2015**

**WITH
CRIMINAL APPLICATION NO.759 OF 2015
IN
CRIMINAL APPEAL NO.631 OF 2015**

Chhabu @ Sanjay Fulchand Rajbhar	..Applicant.
Vs.	
The State of Maharashtra	..Respondent

Mr. Shyam B. Rajbhar for Applicant.
Ms. R.M. Gadhvi, APP for the State.

**CORAM: SMT. V.K. TAHILRAMANI, Acting C.J. &
A.S. GADKARI, J.**

15th October, 2015

P.C.:

Heard learned Counsel for the applicant and the
learned APP for the State.

2 The applicant has been convicted under Section 376
and 305 of IPC. The applicant has preferred the aforesaid
applications praying that the sentence imposed upon him be
suspended and he be granted bail.

3 It is the prosecution case that the applicant has committed rape on the victim girl on 17.6.2012 at about 12.30 p.m. At that time the victim girl was about 12 years of age. PW-1 Bhagavatidevi and PW-3 Umashankar who are the parents of the victim girl stated that immediately after the incident their daughter disclosed to them that the applicant had committed rape on her. Thereafter they went to question the applicant. At that time the victim girl poured kerosene on her person and set herself on fire. The victim girl received burn injuries and she was taken to the hospital. In the hospital two dying declarations of the victim girl were recorded. The first dying declaration Exhibit-26 was recorded by the Special Executive Magistrate PW-6 Shri Kole and the second dying declaration Exhibit-32 was recorded by PW-9 Shri Ghusare. In both the dying declarations, the victim girl has stated that the applicant committed rape on her. Thereafter she went into shock due to the incident, hence, she poured kerosene on her person and set herself on fire. Looking to these facts, we are not inclined to grant bail to the applicant.

4 The learned Counsel for the applicant submitted that there is no corroboration as far as the incident of rape is

concerned. The evidence shows that the victim girl had stated to her parents that the applicant had committed rape on her. She has also stated this fact in her dying declarations Exhibits- 26 and 32. It is well settled that the evidence of rape victim does not require corroboration.

5 Thereafter the learned Counsel for the applicant submitted that the applicant was juvenile in conflict with law on the date of incident and therefore he should be given benefit of the same. As far as this contention is concerned, it is seen that the applicant made an application before the Sessions Court claiming he was juvenile in conflict with law on the date of incident. The said application came to be rejected by the Sessions Court. It is seen that the order passed by the Sessions Court has not been challenged by the applicant. Therefore, at this stage we are not inclined to consider this contention.

6 Thus, we find no merit in these applications and the same are rejected.

(A.S. GADKARI, J.)

(ACTING CHIEF JUSTICE)

