

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.828 OF 2015

Somnath D. Kadam V/s. The State of Maharashtra & Anr.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.R.N. Kachare, for the applicant-appellant.

Mrs.Anamika Malhotra, APP for the respondent-State.

CORAM : A.R. JOSHI, J.

DATE : 04TH AUGUST 2015

P.C.:

1. Heard rival submissions on this application for bail during the pendency of appeal. The applicant-appellant is convicted for the offence punishable under section 6 of Protection of Children From Sexual Offences Act, 2012 and sentenced to suffer RI for 10 years and pay fine of Rs.10,000/-.

2. During the trial the applicant was on bail. The alleged incident of forcible sexual intercourse occurred in the evening of 23rd January 2013, but it was disclosed by the victim girl then aged about 14 years to her relative on 25th January 2013. Said

relative i.e husband of the sister of the victim girl told this incident to another relative on 26th January 2015. Thereafter the another relative inquired with the victim girl and confirmed the same and there was a sort of discussion amongst the relatives of the victim girl and on 28th January 2013 the complaint was lodged.

3. It is apparent that there was no medical evidence showing any injuries on the private parts of the girl to indicate that there was sexual assault on her. The defense of the applicant-accused is that he had given a loan to one of the relatives of the victim girl and he was asking back that loan amount of Rs.10,000/- but the payment was denied.

4. Considering the substantive evidence of the prosecutrix herself and apparent delay in lodging the FIR and the effect of the medical examination of the girl, in the opinion of this Court the present application can be allowed as there are no immediate prospects for taken up the matter for final hearing. As such present application is allowed. The applicant-appellant be

released on same bail as granted by the trial Court with fresh bond to be executed before the trial Court.

(A.R. JOSHI, J.)