

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1703 OF 2015

Abhijit Sudam Dhapate .Applicant

v/s.

The State of Maharashtra .Respondent

Mrs.Pranali P. Kakade i/b. Mr.S.D.Pandey,
Advocate, for the Applicant

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection with
C.R.No.90 of 2015 registered with the Khandala
Police Station, Satara, for the alleged offence
punishable under Section 376(L) of the Indian
Penal Code.

3. The complainant is the grand-father of the prosecutrix, who is aged 23 years and a special child (mentally challenged). The incident in question is alleged to have taken place on 13.02.2015 when the prosecutrix went missing. The FIR/complaint was lodged on 12.05.2015. The prosecutrix was pregnant when the FIR was lodged.

4. Learned counsel for the applicant submits that there is a delay of more than three months in lodging the FIR. She submits that the statement of the prosecutrix under Section 164 of the Code of Criminal Procedure was recorded in July, 2015 after almost two months of the lodging of the FIR.

5. Learned APP states that a perusal of the statement of the prosecutrix aged 23 years shows that she has named the present applicant

as being the person, who had physical relations with her.

6. Perused the charge-sheet. Learned APP has tendered a copy of the DNA report. It appears from the report that the applicant is not the biological father of the child. However, considering the statement of the prosecutrix, who has specifically stated in her statement recorded under Section 164 of the Code of Criminal Procedure that it is the applicant, who has committed the alleged offence this is not a fit case to enlarge the applicant on bail.

7. However, considering the peculiar facts of the case, the trial of the applicant is expedited. The learned Judge shall make an endeavour to dispose of the case as expeditiously as possible and preferably within a period of six months from the date of receipt

of this order. If for no fault of the applicant the trial does not conclude within the stipulated period, the applicant will be at liberty to file a fresh application for bail.

8. The Application stands rejected and disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)