

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1987 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.J.Shiktode for the Applicant.

Ms.Rutuja Ambekar, APP. for the State.

PSI Manali S. Katkar, Dombivli Police Station present in court.

CORAM : A.S.GADKARI, J.

DATE : 26.11.2015

P.C.

The applicant is seeking bail in CR NO.74/2015 registered with Dombivli Police Station, District Thane under Section-376(1), 366, 366(a) of the I.P.C. and under Section- 4,8,12 of the Protection of Child from Sexual Assault Act, 2012.

2) The victim girl who is approximately 15 years of age has lodged the said FIR dated 14.2.2015. A bare perusal of the FIR discloses plight of the minor child who was sexually assaulted by the accused person herein. The facts

narrated in the said report need not be reproduced here for keeping the identify of the said victim girl concealed in view of Section 228-A of the Indian Penal Code. Suffice it to say that, perusal of the FIR discloses that the present applicant who was friend of the father of the victim girl by taking undue advantage of the situation sexually assaulted the said victim girl. It is a settled position of law that the statement of the victim in the case of sexual assault if found to be truthful and reliable, it is sufficient to base conviction of the accused person. Prima faice, it appears that there is no reason to disbelieve the statement of the victim.

3) Learned counsel for the applicant submitted that the incident in question in respect of the present applicant had taken place in 2012, however, the victim girl has lodged the FIR on 14.3.2015. He also submitted that since then the applicant is in jail. Her further contended that delay has not been explained by the victim in lodging the FIR.

4) From the reading of the FIR, it appears that the act which has been committed by the applicant has taken place when the victim girl was approximately 13 years of age. It is only due to the threats administer by the applicant victim girl

initially could not inform the said fact to the elderly persons in the house. The victim girl subsequently told the said fact to her father. However, he did not pay any heed to her. In my opinion, victim girl has prima facie satisfactorily explained the delay in lodging the FIR. In view of the above, this is not a case for grant of bail to the applicant. Application is accordingly, dismissed.

(A.S. GADKARI, J.)