

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
BAIL APPLICATION NO.2420 OF 2014

Sohanlal Amritlal Gautam ... Applicant
Vs.
The State of Maharashtra Respondent

Mr. S.C. Kanojia for the Applicant.
Mr. Y.M. Nakhwa, APP, for the Respondent-State .

CORAM: P.D. KODE, J.

DATED: JANUARY 13, 2015.

PC:

1. By this application the Applicant/accused, charge-sheeted by Boisar Police Station for commission of offence under section 376 (2) of the IPC r/w sections 4 and 5 of the Protection of Children from Sexual Offences Act, 2012, has prayed for bail. The Applicant is accordingly charge-sheeted by said police station as a result of investigation of Crime No.I-66 of 2014, registered with said police station upon an FIR lodged by mother of the victim on 8.4.2014 at about 6.30 p.m., regarding an incident which had occurred on same day in between 2.00 p.m. to 3.00 p.m. in which her minor daughter was ravished by the Applicant and about it she learnt from said minor girl and thereafter said minor pointed out said uncle who on the pretext of

giving a chocolate took her and made to lie on bed. Recitals in the FIR also reveal the other circumstance supporting claim staked by the minor-victim such as her mother then having found her knicker was wet and private part had become reddish.

2. The perusal of the charge-sheet reveals a positive opinion given by the Medical Officer after examining the girl of herself being ravished. Further statement of victim recorded by member of Child Welfare Committee is also in consonance with the claim staked by the first informant.

3. Though learned counsel for the Applicant tried to press the prayer on the count of C.A. report being not filed alongwith charge-sheet supporting the claim of the first informant / mother of the victim, it is difficult to give much credence at present stage to said submission as it is a settled legal position that the corroborative evidence is necessary only for the evidence which is found to be informed warranting the corroboration before acting upon it. Prima facie, considering the matters in the FIR, the statement of the victim girl and the time of lodging of the report, it is difficult to perceive any necessity of such a corroborative material in present case. Though learned counsel for the Applicant tried to canvass the prayer for bail on the count of there being possibility of the Applicant being falsely implicated

and/or there being a mistaken identity, hardly there is any material in the charge-sheet sounding such a possibility on said count. The prayer for bail in such a heinous offence upon a minor girl of the age about four and half years cannot be favaourably entertained.

4. Resultantly, the application stands rejected since there are no merits in application.

(P.D. KODE, J.)