

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

**CRIMINAL APPLICATION NO.1466 OF 2015
IN
CRIMINAL APPEAL NO.1104 OF 2015**

Shreyas Suresh Jadhav	..Applicant/Appellant
V/s.	
The State of Maharashtra	.. Respondent

Mr.Milind Deshmukh for the applicant/appellant.
Mrs.P.P. Bhosale APP for the Respondent-State.

CORAM : A. R. JOSHI, J.

DATE : 15th DECEMBER, 2015.

P.C.

1. Heard rival submissions on this application for bail during pendency of appeal. Appeal is already admitted. The applicant-appellant is convicted for the offences punishable under sections 376 and 342 of Indian Penal Code. For offence under section 376 of I.P.C. he is sentenced to suffer RI for ten years and pay fine of Rs.5,000/- in default RI for six months.

2. The case against the applicant is that in the evening of 09th February 2012 applicant called the victim girl then aged about 6 or 7 years, to his shop and after removing her under

garments tried to insert his private part in the private part of the girl. Thereafter the girl came out of the shop and came home. She disclosed regarding some pain in abdomen to her mother but did not disclose anything more and on that night when the girl was with her parents for sleeping she disclosed the incident. Thereafter report was lodged with the police on the next day evening. The girl was examined at Sasun Hospital, Pune. Substantive evidence of Medical Officer, P.W.No.3 appearing in para no.2 of his notes of evidence is significant and showing no injuries or even no perihymenal inflammation on the private parts of the girl. In fact the entire medical examination report is nil, so far as penetrative sexual vaginal intercourse. This is infact a significant aspect. During the trial the applicant was on bail as such considering the circumstances in the opinion of this Court the applicant can be released on bail and hence order.

ORDER

- (i) The application is allowed.
- (ii) The applicant be released on same bail as granted by the trial Court with fresh bond to be executed before the

trial Court.

(iii) The order is effective only after deposit of entire fine amount before the trial Court.

(A. R. JOSHI, J)