

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2740 OF 2014**

Shri Dattatraya R. Shingote
Versus
The State of Maharashtra

....Applicant.

...Respondent.

Mr. Mahesh Subramaniam, advocate for the Applicant.
Mr. S.S.Pednekar, APP for the respondent-State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : April 10, 2015.

P.C.:

The application is moved for bail as the applicant-accused is facing charges under Section 376 of the IPC and under Sections 4,6,8 and 10 of THE Protection of Children From Sexual Offences Act, 2012. It is the incident of rape committed on minor girl of 7 years on 15.8.2014, which happens to be our independence day. Applicant-accused is neighbour of the victim, who was 7 years old came to his house to play with his grandchildren. Applicant-accused is 70 years old at the time of incident. Mother of the victim was not well and, therefore, she along with father of the victim went to the dispensary. In the afternoon, when she returned at 2.30 p.m. , victim came running in the house. She was scared

and she told about the incident in her innocent expressions. Her mother, who is complainant examined private parts of her daughter and she found spot of semen on her nicker and, therefore, she was convinced that the applicant-accused has committed wrong to her minor daughter. She rushed to the police station immediately on the same day at around 2.30 p.m. and gave information to the police. Accordingly, offence was registered. Applicant-accused was arrested on the same day i.e. on 15.8.2014. Hence, this bail application.

2 The main submissions of the learned counsel for the applicant-accused are that applicant-accused is 70 years old. He has some ailments and needs medical treatment. Secondly, medical certificates of the victim do not show penetration and any injuries on the parts of the girl.

3 The learned prosecutor opposed the application.

4 It is the offence infact under Section 376(2)(i) of the IPC. Considering the facts of the case, it is not the case for bail. However, in view of the age of the applicant-accused and as request made by the learned counsel for the applicant-accused, it is advisable for the learned Sessions Judge to commence trial as early as possible. Now it is informed at the end of this order by the learned counsel for the applicant-accused that the trial has begun.

5 Application stands rejected.

(MRS.MRIDULA BHATKAR, J.)