

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application No. 190 of 2015 (B.A.)

Mr. Satish s/o Ramesh Patil vs. State of Maharashtra

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

CORAM : PRASANNA B. VARALE, J

DATE : 28.4.2015

Heard Mr. N.R.Gandhi, learned counsel for the applicant and Mrs. M.H. Deshmukh, learned APP for the State.

The applicant is before this Court seeking his enlargement on bail in connection with the Crime No. 461 of 2014 registered at Jaripatka Police Station for the offence punishable under sections 376, 511 of the Indian Penal Code and under section 8 of the Protection of Children from Sexual Offences Act.

The victim, who is subjected to sexual exploitation at the hands of the applicant, is his own daughter. The perusal of the report shows that on 28.8.2014 the informant/complainant the mother of the victim had been to her work

place in the morning and on her return in the afternoon she entered into the house and found the applicant under naked condition and also found he was subjecting the victim to sexual exploitation. The informant/complainant was angered observing these facts and gave slaps to the applicant i.e. her husband. She lodged the report against the applicant in the police station. It is the submission of the learned counsel for the applicant that the complainant filed an affidavit before the learned Sessions Judge and submitted that under wrong impression she lodged report against the applicant. The learned counsel for the applicant then submits that the trial against the applicant is in progress and two of the witnesses have turned hostile. The learned counsel then submits that as the victim was not subjected to any medical examination, the report against the applicant is false and he is implicated. On this submission, the learned counsel prays for engagement of the applicant on bail.

The learned APP vehemently opposes the application.

In view of the fact that the trial is already in progress and some of the witnesses are examined, this Court was not inclined to entertain the application. As the learned counsel for

the applicant was pressing the application on merits, I have gone through the material on record. The perusal of the material collected by the investigating agency shows that the report was lodged by the mother of the victim immediately. The informant/ complainant the mother of victim gave the details version in her report. Apart from the statement of the informant there are the statements of the neighbours. In the statements of these neighbours it reveals that the neighbours immediately rushed to the spot on hearing hue and cry by the informant/complainant. One of the neighbours entered in the house and found the applicant, who was naked and left the room collecting his clothes. The other neighbours support the version of the informant. The aunt of the victim, who also rushed on the spot after finishing her work, heard hue and cry made by the informant/ complainant and when she rushed she found that the applicant was bared body and the victim was also bared body. This aunt accompanied the informant/complainant to the Police Station for lodging the report. She then states that the applicant rushed to the informant raising his belt. These two ladies somehow rushed to the Police station and lodged report. In my opinion, the material placed on record clearly show the involvement of the

applicant. Considering the fact that the victim is a minor girl, the applicant is the father of the victim, the trial is in progress, in my opinion this not a fit case to enlarge the applicant on bail. The application being meritless deserves to be rejected and the same is rejected accordingly.

JUDGE

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