

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION NO.304/2015**

(Dahim Shaha @ Daku s/o Gulam Shaha.vs.State of Maharashtra, thr. PSO Sindhi Railway, Wardha)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. M. Jaltare, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 8, 2015.

Heard learned counsel for rival parties.
Learned counsel for the applicant argued that the applicant has been falsely implicated in the offence of rape by the complainant. There is no evidence against him for keeping him in jail pending trial.

Per contra, learned A.P.P. opposed the application and submitted that the offence is very serious. The applicant committed rape of a girl-Rani aged six years after kidnapping her when she was sleeping on a cot in her house by lifting her away and then he driven her near Dargah. He, therefore, prayed for dismissal of the application.

I have perused the FIR as well as the charge-sheet. The substance of evidence against the applicant that was culled out by the prosecution before the Sessions court is as under:

“The investigation transpired that, initially the complainants Rashim Shah father of the victim Rani aged about 6 years has given the name of Irfan shah Maslim Shah as he has kidnapped and committed rape

on her daughter and therefore offence came to be registered against him and the investigation puts on wheels. During medical treatment of Ku. Rani, she disclosed the names of accused persons namely Daku and Santa. On the basis of her statement accused Amjat Ali @ Santa Atab Ali was arrested on dated 27/08/2014. Since the date of offence Dahim Shah @ Daku was absconding and came to be arrested on 10/09/2014. during his police custody clothes were recovered from him, wore at the time of commission of offence. The piece of glass, used for tearing the vagina of Ku. Rani, has been recovered at the instance of accused Dahimshah @ Daku. During investigation it is transpired that the applicant and other co-accused and victim Rani are residence of Laden Nagar, Sindi (Rly) Beda. The I.O. has observed that the people that Beda are illiterate. They are not knowing the seriousness of offence. The people of said Beda and even parents of victim Rani has not co-operated investigation machinery. The applicant and other co-accused conspired together for commission of said crime.”

Perusal of the charge-sheet shows that the offence committed by the applicant is very serious and the minor girl of six years was raped by the applicant. Offence under the POCSO Act has also been registered against the applicant.

In that view of the matter, no case is made out for bail. Hence, I make the following order.

ORDER

- (i) Criminal Application No. 304/2015 is rejected.

JUDGE