

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

BAIL APPLICATION NO.60 OF 2016

Chivlya @ Ram Madhukar Kare ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Vivek Salunke for the Applicant.

Ms Veera Shinde, APP for the Respondent- State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 13th JANUARY, 2016.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is arrested in Crime No.524 of 2014 registered with Pimpri Police Station, Pune, for offences punishable under section 376 of the Indian Penal Code and under sections 3, 4, 5 and 6 of the Protection of Children from the sexual offences Act.

2. The case of the prosecution in brief is that on 12.11.2014 the Applicant herein had sexually abused a four years old minor girl. The mother of the victim had lodged the FIR, pursuant to which the aforestated crime came to be registered. Upon completion of the investigation charge-sheet has been filed and the case has been

committed to the Additional Sessions Court, Pune. The Applicant had filed a bail application before the Additional Sessions Judge, Pune and the same has been dismissed vide order dated 14.9.2015. Hence, this application.

3. Mr. Vivek Salunke, the learned counsel for the Applicant has submitted that there is no prima facie material to show the involvement of the Applicant in the said crime. He has further submitted that there is delay in lodging the FIR and that the medical evidence does not corroborate the statement of the complainant.

4. The learned APP submits that the statements of the victim, complainant as well as one witness Vidya Jadhav prima facie shows the involvement of the accused in committing the said crime, which is of serious nature.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent-State. The FIR lodged by the mother of the victim prima facie indicates that on 12.11.2014 she had gone for work and she had told her neighbour to keep an eye on her minor daughter, who was alone in the house. She has stated that when she returned home,

her daughter told her that the Applicant herein had sexually abused her. Upon enquiry her neighbour Vidya Jadhav told her that she had seen the Applicant in the house of the complainant. She had further stated that when she had entered the house, the Applicant had put his trousers and left the house. The complainant has further stated that she had checked the private parts of her daughter and the same appeared to be swollen. She had informed her mother about the incident.

6. The statement of the victim also prima facie reveals that the Applicant had sexually abused her. The statement of one of the neighbours also prima facie reveals that she had seen the Applicant in the house of the complainant and that on seeing her the Applicant had got up from the bed and rushed out of the house. She had also seen the victim lying on the bed without her underwear. On seeing her the victim got scared and started crying. She has stated that the private parts of the victim appeared to be red.

7. The statement of the complainant as well as the statement of the neighbour prima facie shows that the Applicant had sexually abused the minor girl, who is barely four years of old. Offence is of serious nature and the trial has not yet commenced. The Applicant,

victim and the material witness are residing in the neighbourhood.
Hence, releasing the Applicant on bail would hamper the trial.

8. Under the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)