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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 106 OF 2016**

Rajendra Vasant Hire

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rajan S. Pawar, for the Applicant

Ms. R.M.Gadhavi, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 31st MARCH, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-57 of 2015, registered with the Vadner Khakurdi Police Station, Taluka – Malegaon, for the alleged offences punishable under Sections 376(A) of the Indian Penal Code and under Sections 4 and 8 of Protection of Children from Sexual Offences Act.
3. The complainant is the mother of the prosecutrix. She has

alleged that on 1st June, 2015 one Nivrutti Bhamare committed sexual assault on her daughter and on 3rd June, 2015 when her daughter was alone at home, the present applicant committed sexual assault on her. Accordingly on 5th June, 2015, the complainant has lodged the aforesaid FIR as against the present applicant and Nivrutti Bhamare.

4. Learned Counsel for the applicant submitted that there is a delay of two days in registration of the FIR. He submitted that the applicant has been languishing in jail, since the date of his arrest i.e. since June, 2015. He submits that the statement of D.R. Hire, has not been recorded despite, there being a reference to her name in the statement of the complainant.

5. Learned APP opposed the bail application. She submitted that there is enough material to show the complicity of the applicant.

6. Perused the charge-sheet, in particular the statement of the prosecutrix. It appears that on 3rd June, 2015, the prosecutrix was raped by the present applicant when she was alone at her home. The prosecutrix, was

aged 14 years at the relevant time. The prosecutrix was examined by a Gynecologist on 5th June, 2015 and her medical report shows that her hymen was ruptured, vagina tender +e admitting 2 finger and that fresh intercourse had taken place.

7. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

8. Hence, the Application for bail is rejected and disposed of as such.

9. Needless to observe that the trial court shall decide the case on its own merits uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.