

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.109 OF 2016

KHIMARAM CHAMNARAM CHAUDHARY)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Nitin Satpute, Advocate for the Applicant.

Mr.S.H.Yadav, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 15th JULY 2016.

P.C. :

1 Accused involved in Crime No.I-322 of 2015 registered with Waliv Police Station, District Palghar, for the offence punishable under Section 376 of Indian Penal Code, has sought regular bail.

2 Heard learned counsel for both the parties. Perused copy of charge-sheet made available by learned APP. Learned counsel for the applicant has submitted that applicant is falsely

implicated by prosecutrix, who is aged 20 years, to save her marriage, after being involved in physical relations with the applicant by her consent, as applicant's daughter saw her with applicant. It is contended that no act, as attributed to applicant, can be committed by him in his own house in the presence of his daughter and is therefore submitted that it is only after daughter had seen prosecutrix in the house, false report came to be lodged by her.

3 Learned APP opposed the application and had submitted that there is nothing to establish that accused is falsely implicated. Infact, according to statement of independent witness Shakuntala, involvement of applicant is established, to whom immediately after the incident, prosecutrix has disclosed of applicant sexually assaulting her in his house.

4 Considering the contents of report coupled with statement of Shakuntala and admittedly since no statement of Dimple – daughter of applicant, is recorded during the course of

investigation, no case is made out for grant of bail, however, as it is submitted that charge-sheet is filed in the month of October 2015 and accused is in jail since his arrest in in July 2015, application is disposed of as rejected, as per order below :

- i) Application is rejected.
- ii) The learned Sessions court, who is seized with sessions case arising out of Crime No.I-322 of 2015 registered by Waliv Police Station, District Palghar, shall make an endeavour to decide said case within six months from the date of framing of Charge.
- iii) In the event, trial could not be concluded as above for any reason, within the above stipulated period, applicant shall be at liberty to move afresh for grant of bail.

(P. N. DESHMUKH, J.)