

BAIL APPLICATION NO.415 OF 2016

Mr. A.R. Pandey, for the Applicant.
Mr. A.T. Javeri, APP for Respondent – State.
Mr. Anil Rane (PSI), Charkop police station present.

DATE: 16th MARCH, 2016

The application is moved for bail. The applicant/accused is facing charges for the offences punishable under Sections 354, 376, and 511 of the Indian Penal Code and under Sections 3(c), 4, 8, 9(n) and 10 of the Protection of Children from Sexual Offences Act, 2012 in C.R. No. 412 of 2014 registered with Charkop police station, Mumbai. The offence is registered by API. Hanmant Kshirsagar.

2. It is the case of the prosecution that the prosecutrix is 15 years old. She gave first information report on 27th November, 2014 and on the same day the applicant/accused was arrested. The

applicant was residing with the mother of the prosecutrix as a friend of her mother. The prosecutrix studied upto 7th standard. The applicant/accused was working as a watchman. He and her mother used to fight in the night and the applicant/accused used to beat her mother. Her mother was always under fear of the applicant. The applicant/accused used to outrage her modesty by touching her private parts. It is the case of the prosecutrix that 3 days before giving the complaint to police, according to her he raped her. She informed this fact to her mother. However, her mother used to ignore what the prosecutrix used to say and mother did not intervene and asked her to keep quite. Therefore, the prosecutrix went and gave complaint to the police.

3. The learned counsel for the applicant submits that the applicant is falsely implicated in this case. He is the resident of U.P.

4. The learned prosecutor oppose the bail application. He relied on the statement of the prosecutrix. So also the statement recorded under Section 164 of Criminal Procedure Code.

5. The prosecutrix as stated that she was staying with her mother and the applicant/accused was staying with them as a friend of her mother. In the statement, she has mentioned that the applicant/accused used to gave liquor to her mother and thereafter used to sexually assault her during night when her mother fast asleep. The statement of mother did not support the case of prosecutrix. However, the prosecutrix has specifically mentioned that her mother never took her side and always asked her to keep quite and not to speak against the applicant/accused. Considering the allegations against the applicant and as the girl is minor, I am not inclined to grant bail to the applicant. Hence, bail application stands rejected.

6. This case being a short case, the trial Court may endeavor to complete the trial within one year.

(MRS.MRIDULA BHATKAR, J.)