

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 841 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Yakub Shaikh for the Applicant.

Ms. J.S. Lohakare, APP. for the State.

Shri. Palande, API. from APMC Police Station is present in court.

CORAM : A.S.GADKARI, J.

DATE : 23rd August, 2016

P.C.

1) The applicant is seeking bail in CR No.84/2015 dated 1.4.2015 registered with APMC Police Station, Navi Mumbai under Sections 376, 354 and 323 of the Indian Penal Code and under Section 4, 5(1) 6,8,9(1), 10,12 and 17 of the Protection of Children from Sexual Offences Act. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228A of the I.P.C. the name of the victim girl and the detailed narration of facts mentioned in the first information report are hereby avoided. Suffice it to say that, on the basis of the first information report lodged by a minor girl aged about 14 years, the present crime is registered. The applicant is the father of the victim girl. In her first

information report the victim girl has narrated the alleged act as contemplated under Section 376 of the I.P.C. It is unfortunate to note that even the elder brother of the victim girl is also an accused in the present crime.

2) It is the settled position of law that if the Court finds that the statement of the victim is reliable and trust worthy the conviction can safely be based on the same. After reading the statement of the victim and the statements of the school teachers which are in the form of corroborative piece of evidence, I am of the considered opinion that the applicant has committed a heinous crime and therefore, the applicant does not deserve bail. I find no merits in the application and the application is accordingly dismissed.

(A.S. GADKARI, J.)