

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

CRI. BAIL APPLICATION NO. 1132 OF 2016

Mr. Shrikantsingh Sukhdev Singh ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Rameshwar N. Gite, Advocate for the Applicant.

Mr. Y. M. Nakhwa, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 07th JULY, 2016

P.C. :

1 Heard the learned counsel for the applicant / accused. By pointing out the report of counselling by the Child Welfare Officer, the learned counsel argued that prima facie, there is possibility of false implication of the applicant / accused in the crime in question by the alleged victim. The learned counsel submitted that the report of the Counselling itself shows that the alleged victim was having two boy friends.

2 Learned APP opposed the application by contending that the medical evidence supports the prosecution case and the statement of one Kanchan Devi, mother of the victim, is also clear on the aspect.

3 Perused the chargesheet. It is seen that the mother of the victim had left father of the victim in the year 2006 and married to a person named-Rupeshsingh. It is seen that thereafter, Kanchan Devi, mother of the victim girl, had left the victim girl to the house of Munnidevi, cousin sister of her first husband-Jaisingh. Applicant/accused-Shrikantsingh is the husband of Munnidevi.

4 It appears that the victim girl was found at railway station at Delhi and thereafter, her statement came to be recorded. She appears to be 12 years of age. She reported the police that the present applicant-Shrikantsingh had raped her.

5 Perusal of the statement of Kanchan Devi shows that despite her attempts to bring back the victim girl, who is her own daughter, the victim used to go back to the house of Munnidevi and the present applicant-Shrikantsingh. It is seen from the report of the Child Welfare Officer that during counselling, the victim girl had stated that she has been sexually abused by her boy friends named -Sahib and Ankit. During counselling, it is found that the victim girl has reported the Child Welfare Officer that the present applicant had sexually exploited her. It is also seen from the report of the Child Welfare Officer that the victim girl had habits of stealing things and she was being beaten by the present applicant as well as his wife due to her bad habits.

6 The medical report of the victim girl shows that there is old torn hymen without any fresh injury. Prima facie, it appears that the victim girl was not leaving the house of the present applicant and his wife Munnadevi, despite efforts on the part of her mother. It is seen that the victim girl has also reported that she is sexually abused by her two boy friends. The applicant/accused and his wife used to beat the victim merely because of her habits of stealing things. In this background, pre-trial detention of the present applicant is not warranted and therefore, the following order :

ORDER

- i. The bail application is allowed.
- ii. Till disposal of the trial, the applicant/accused in Crime No.I-176 of 2015 registered with Pimpalgaon Baswant Police Station Dist. Nashik for the offence punishable under section 376 (2)(f) of the Indian Penal Code and under section 5(n)/6 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing PR Bond in the sum of Rs. 25,000/- and on furnishing solvent surety in the like amount.

- iii. As a condition of this order, the Applicant should co-operate with the trial court in expeditious disposal of the trial.
- iv. In addition, the Applicant/accused is directed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that applicant shall not tamper with the prosecution evidence in any manner.
- v. The applicant should not commit offence of similar nature in future.
- vi. The bail application is disposed of accordingly.

(A. M. BADAR, J.)

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