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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1339 OF 2016

Rahul @ Chotu Mathura Nishad ..Applicant.

Vs

State of Maharashtra ..Respondent.

Mr P.K. Shahane for the applicant.

Mr A.S. Patil, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 24th August, 2016

P.C.

- 1) The applicant has filed this application under section 439 of the Code of Criminal Procedure.
- 2) The applicant is seeking bail in C.R.No. I-250/2015 dated 22/2/2015 registered with Central Police Station, Ulhasnagar under sections 363, 342, 377, 504, 506 (II) of the Indian Penal Code read with section 3, 4, 5 (h) and 6 of the Protection of Children from Sexual Offences Act, 2012.
- 3) The first information report is lodged by the mother of the victim. The details mentioned in the said first information report are not reproduced hereunder for the sake of brevity and with a view to portrait the identity of the victim. Suffice it to say that on the basis of the complaint and/or information given to her by her son, she

lodged the first information report for the offences as stated herein above. After completion of investigation the police have filed charge-sheet.

4) Heard the learned counsel for the applicant and the learned APP and also perused the copy of the charge-sheet and the documents annexed to the present application.

5) The learned counsel for the applicant submitted that there is no medical evidence to corroborate the version of the victim boy. He submitted that the medical reports are totally silent about any injuries on the person of the victim. That the witnesses whose statements are recorded by the police are the interested witnesses. He further submitted that the applicant was arrested on 22/5/2015 and since then he is in jail. That the applicant is a permanent resident of Ulhasnagar and if released on bail he will not abscond and will abide by all the conditions.

6) A bare perusal of the first information report would reveal that the offence as alleged against the applicant is a heinous offence. The victim immediately after the assault went to his house crying and confided with his mother. He narrated the sexual assault caused by the applicant on him. The applicant is a neighbour of the victim. The other witnesses are the father and grand-father of the victim and at this stage cannot be termed as interested witnesses as it was natural for the victim to confide with them about the sexual assault upon him. Prima facie the statements of the

witnesses inspire confidence. It further appears that the version of the witnesses in the said statements is reliable and trustworthy. The offence alleged against the applicant is undoubtedly a heinous offence. After taking into consideration the evidence available on record and the serious allegations against the applicant, I am not inclined to release the applicant on bail. The application is accordingly dismissed.

(A.S.GADKARI, J.)