

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1486 OF 2015

Jayesh Ramrao More	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Anil Kamble, Advocate for the applicant.

Mrs. P.P. Shinde, APP for the State.

Mr. Deepal Rohidas Bhoi, P.S.I., Bazarpeth Police Station, Kalyan.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **6th April, 2016.**

P.C.:

This Bail Application is moved by the applicant/accused, as he is facing charges under section 376 of the Indian Penal Code and under section 4 of Prevention of Children from Sexual Offence Act, 2012 in C.R. No. I-293 of 2014 registered with Bazar Peth Police Station, Kalyan. The offence is registered at the instance of mother of the prosecutrix on 24th November, 2014.

2. It is the case of the prosecution that the applicant/accused was acquainted with the prosecutrix. They were in love with each other. On 23rd November, 2014, the mother of the prosecutrix received phone call and that person disclosed his identity as Jayesh More, i.e., applicant/accused and told that he is in love with her daughter and wanted to marry her. The mother informed this fact to her husband and they both enquired with their

daughter about the applicant/accused. She confessed that she was also in love with the applicant/accused and they both wanted to marry. However, the prosecutrix, at the relevant time was 13 years old and studying in 8th Standard. When the mother of the prosecutrix enquired with her daughter's friends, she came to know that her daughter and applicant/accused are having affair since last 3 to 4 months. Her daughter admitted that she has sexual relations with the applicant/accused. Therefore, the complainant gave information to the police and offence is registered against the applicant/accused.

3. The learned counsel for the applicant/accused submitted that the prosecutrix has stated that she is having affair with the applicant/accused and wants to marry him. The applicant/accused is 26 years old and he also wants to marry her. In November, 2014, applicant/accused is taken in custody. The learned counsel submitted that the applicant/accused has no criminal record.

4. Learned APP opposed this Application. She relies on the certificate of the examination of prosecutrix which shows that the doctor has opined that the finding is suggestive that the prosecutrix had sexual intercourse. She relied on the statement of the mother of the prosecutrix. She further

submitted that on verification, age of the prosecutrix is 13 years old.

5. Perused the FIR, medical certificate and the statement of the witnesses. It appears that the applicant/accused and prosecutrix were in love with each other, however, the girl is 13 years old and medical report shows that she had sexual intercourse. Under such circumstances, I reject the Bail Application. However, the learned Sessions Judge is directed to expedite the trial within 6 months, i.e., on or before 10th October, 2016.

(MRIDULA BHATKAR, J.)