

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1763 OF 2016

Lakhan Dharma Gaikwad

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Ujwal Agandsurve Advocate for Applicant.

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 15, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein was arrested on 22/02/2016 in crime no. 81 of 2016 registered at Jail Road Police Station, Solapur for offence punishable under sections 376 (2) (1) of the Indian Penal Code and section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2) It is the case of the prosecution that on 22/02/2016, Sonam Kapure who happens to be mother of the victim girl lodged a report at the police station alleging therein that she belongs to scheduled caste (Hindu Mahar). That her husband is P.S.I. It is alleged that on 21/02/2016, her daughter who happens to

ism

be friend of daughter of applicant was playing with her. All of a sudden, present applicant had called the victim inside the house and had sexually abused her by touching her inappropriately. Victim girl returned home crying and had disclosed the incident to her parents. She was examined by the parents and then they had decided to lodge F.I.R. against the present applicant. Victim girl who happens to be hardly 3 years and 10 months old was subjected to clinical examination despite the fact there was no allegation under section 376 of the Indian Penal Code. C.A. report is awaited. Applicant is a police constable posted at Valsang Police Station, Taluka: Akkalkot, Dist. Solapur.

3) The learned counsel for the applicant submits that there were internal disputes between father of the victim and the present applicant since they are working in the same department and only to wreck personal vendetta their minor daughter has been used as bait. If this contention is to be considered, it is unfortunate that a young minor girls are being used as baits to wreck personal vendetta. In the present case, statement of the victim has been recorded and she has narrated the incident as has been narrated in the F.I.R. and at this stage, it would not appropriate to falsify the allegations of the

minor victim. Hence, applicant does not deserve to be enlarged on bail, however, the learned Sessions Court is requested to make an endeavour to conclude the recording the evidence as far as possible within 9 months from the date of framing of charge.

4) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)