

Ladda

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2080 OF 2015

Sachin D. Watane Vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr Anil Kamble for the applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 20th January, 2016

P.C.

1) The applicant is seeking bail in CR No. I-20/2015, dated 7.4.2015 registered with Kasara Police Station, for the offence punishable under sections 376 (d), 506 read with section 34 of the IPC.

2) The FIR is lodged by Smt. Vimal Sunil Dukre on 7.4.2015 stating that when she was proceeding to her aunt's house, the applicant along with co-accused Ramesh Popat Sable followed her and near the railway cabin the applicant and co-accused forcibly dragged her inside the cabin and thereafter committed rape on her. The complainant has further stated that after committing the sexual assault on her the applicant and other co-accused ran away. When she came out of the said cabin and was crying, she met to her maternal-uncle namely Somnath Bhagat and other

relatives who are residing at Devulwadi, she informed the said fact to her maternal-uncle. In the premise, she lodged the FIR.

3) The record discloses that during the course of investigation, the statement of the victim lady is recorded by the Judicial Magistrate, First Class, Shahapur under section 164 of Cr.PC. on 13.4.2015, wherein she has reiterated the said fact of sexual assault on her by the applicant and other co-accused. Thus, after taking into consideration the FIR of the applicant and her statement recorded under section 164 of Cr.PC., I find that as far as the actual act of sexual assault is concerned, there is no variance in it. That both the statements prima facie inspire confidence and appears to be reliable. It is the settled position of law that if the Court finds that the statement of the victim in an offence pertaining to sexual assault is reliable and truthful, conviction can be safely based on the basis of the same. It is further to be noted that the applicant and the co-accused have taken undue advantage of the situation of a helpless lady and have committed the heinous crime.

4) In view of the above, I am not inclined to grant bail to the applicant. The application is accordingly dismissed.

(A.S. GADKARI, J.)