

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

CRIMINAL BAIL APPLICATION NO. 2195 OF 2016

Santosh s/o Ravindra Dhepe. ... Applicant.
Versus
The State of Maharashtra & anr. ... Respondents.

Ms. Komal Shinde i/b. GMS Legal, advocate for Applicant.

Mr. Rajan Salvi, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : DECEMBER 19, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 19/12/2015 in
Crime No. 676 of 2015 registered at Hadapsar Police Station initially
for offence punishable under Section 363 of the Indian Penal Code.
The investigation is completed and charge-sheet is filed against the

accused on 19/3/2016 for offence punishable under section 376(i), 363, 506 of the Indian Penal Code and Section 3, 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that on 12/12/2015 the mother of the victim Lalbi Nadaf lodged a missing report in respect of her daughter Ms. X who was aged about 13 years old on that day. On 19/12/2015 the sister of the complainant namely, Noorjha had received phone call from the victim informing her that the present applicant had abducted her. That he had committed forcible sexual intercourse with her. At that stage, the victim was informed by her maternal aunt that they had already lodged missing report. Before the complainant or her relatives could reach Koregaon from where they had received the phone call, the applicant had brought the victim to Hadapsar Police Station on 19/12/2015. The applicant was arrested.

4 It appears from the papers of investigation that the victim was hardly 13 years old at the time when she was abducted by the applicant. The date of her birth is 24/3/2002. At the time of medical examination, she had disclosed to the doctor that the applicant happens to be her neighbour. He had quarrel with her uncle a few months back. Just few days before she was abducted also, there was a quarrel between the applicant and her uncle and thereafter, he had taken her to Koregaon on 12/12/2015 and had forceful sexual vaginal intercourse against her wish.

5 Taking into consideration the age of the victim and the fact that she had been abducted by the applicant only to satisfy his vendetta against her uncle, the applicant does not deserve to be enlarged on bail.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The

learned Sessions Judge shall not be influenced by the same at the time of trial.

7 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)