

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2223 OF 2016

Pandurang Bhoru Gode	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Sachin R. Pawar,Advocate for the applicant.
Mr. Vinod Chate, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 21st December, 2016.

P.C.

At the outset, the learned APP has submitted that in the present case, the trial has commenced. Charge is framed on 6.5.2015 and summons have been issued to the complainant-victim.

2. The applicant herein is arrested in Crime No.189 of 2015 on 9.12.2015. The investigation is completed and charge sheet is filed against the accused-applicant for the offences punishable under Sections 376A, 363, 366A of the Indian Penal Code and Sections 3,4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

3. It is the case of the prosecution that on 8.12.2015, the victim lodged a report at the police station alleging therein that she is

studying in an Ashram in 9th Std. at Taleran. A close relative is residing close-by to her house. He is to visit in school and used to suggest that he loves her and that they should elope. The young girl had tried to restrain him. She had informed her parents about the same and thereafter the parents in order to save her from the clutches of the relatives, had discontinued her education.

4. On 6.12.2015, at about 9 p.m., when she was washing the utensils, the accused-applicant had first outraged her modesty, gagged her mouth and thereafter dragged her into an isolated place near her house. He had abused, assaulted and threatened her of dire consequences if she did not succumb to his wishes. That he had ravished her. He had coerced her to accompany him and thereafter, on 7.12.2015, at about 7 a.m., he had brought her to Kalyan and from there he had taken her to the house of Lalesh Kondavale. She had disclosed to Lalesh that she has been ravished by the applicant. He informed her father and thereafter she was reached home. It is a heinous act. The compilation of the charge-sheet would clearly indicate that the applicant herein has committed an offence punishable

under Section 376A of the Indian Penal Code. The date of birth of the victim is 10.6.1999.

5. The learned counsel for the applicant rightly submits that the proforma of clinical examination of the victim does not find place in the compilation of the charge-sheet. All these aspects can be considered at the time of trial.

6. The Investigating Officer is present. Upon enquiry, there is no plausible explanation as to why the proforma of clinical examination does not find place in the compilation of the charge-sheet. In view of the fact that charge is framed and the evidence of the victim would be material evidence. Moreover, the applicant happens to be a close relative of the victim and the possibility that he would tamper with evidence cannot be ruled out.

7. Hence, the application stands rejected.

(SMT. SADHANA S.JADHAV,)