

vks

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2255 OF 2015

Pravin Pawlas Waydande	 Applicant
V/s.	
The State of Maharashtra	 Respondent.

Mr. D.D. Rananware, for the Applicant.
Mr. Deepak Thakarey, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 27th JUNE, 2016.

P.C. :

1. The applicant/accused in Crime No.89 of 2015, for offence punishable under Sections 376(d), 363, 366A, 323, 342, 506 of Indian Penal Code and under Section 6 of Protection of Children from Sexual Offences Act, registered with Islampur Police Station, by this application is seeking bail pending trial.
2. While rejecting bail application of the applicant/accused, the learned Additional Sessions Judge, Islampur has noted that the Sessions trial is ready for hearing and on priority basis, trial will be conducted. This Court on 28.4.2016, has noted statement of the learned APP that after framing charge, evidence of two witnesses has been recorded.
3. Heard the learned counsel for the applicant/accused. He

argued that it is highly improbable that the prosecutrix would be kidnapped from the market area of village. There is delay in lodging F.I.R.

4. The learned APP opposed the application.

5. It is well settled that in sexual offences, Court is required to examine the broader probabilities of the prosecution because in traditional Indian Society, sexual offences are not reported immediately. The reasons for delay in F.I.R. could be gathered in the instant case from the F.I.R. itself. Moreover, that is the subject matter of trial.

6. F.I.R. lodged by the prosecutrix vividly describes the incident in question and the manner in which she was kidnapped and forcibly subjected to rape by three accused persons. The versions of the prosecutrix gains prima facie corroboration from medical evidence. The statement of owner of Medical Shop also corroborates version of the prosecutrix to the effect that she had been to his shop for purchase of medicine at the time of incident in question.

7. As noted above the trial is taken up. No case for bail is made out. Therefore, following order.

Order

Application is rejected.

[A. M. BADAR, J.]