

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2331 OF 2016

Mayur @ Chintya Vivekanand

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rupesh A. Zade Advocate for Applicant.

Mr. Prashant Jadhav APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 24th NOVEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 27/10/2015 in crime no. 136 of 2015 registered at Nashik Road Railway Police Station for offence punishable under section 376 (N) of the Indian Penal Code and sections 4, 8 & 10 of the Protection of Children from Sexual Offences Act 2012.

2) It is the case of the prosecution that the victim Ms. 'X' along with her so called friend Roma was found at Nashik Road Police Station. The lady police constable at the police station had inquired with them and at that time Ms. 'X' disclosed to the police that she was studying in 8th standard in an English

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medium school. Her mother was admitted in Sasoon Hospital. She was accompanying her mother as an attendant. There she met Roma who was also attending one of her relative. The victim had disclosed that she was fed up with life. Thereafter, Roma had asked her to accompany her as she was going to her brother's house. That the cellphone of her brother was switched off and therefore, they had come to Nashik Road Rail Station. There, two boys had approached them and they told them to accompany them as they would give them work and that they had concern for the girls. Both the girls accompanied the boys. They had disclosed their name as Mayur @ Chintya and Pawan. The victim had accompanied the present applicant. The boys had taken them to National Lodge and there the girls were sexually abused. They had forcibly administered beer to the victim. Mayur had ravished the victim once again behind Savitri Phule Hospital. That the victim felt dizzy. Thereafter, she recovered and she was roaming on the railway station when both the girls were intercepted by the lady police constable.

3) The statement of the victim is also recorded under section 164 of the Code of Criminal Procedure, 1973 and she has reiterated the contentions in the F.I.R. Applicant has committed a heinous offence. The girl was just 13

years old at the time of incident. Taking into consideration the fact that it is a heinous offence and that the applicant has taken undue advantage of a lonely girl, applicant does not deserve to be enlarged on bail.

4) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)