

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

BAIL APPLICATION NO. 2484 OF 2016

Ramaasrey Ramharak Chouhan	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. I.A. Shaikh, Advocate for the Applicant.
Ms. R.M. Gadhvi, A.P.P for the Respondent – State.
Mr. V.L. Kadam, P.S.I. Kalwa Police Station, present.

CORAM : N.W. SAMBRE, J.

DATED : 9th DECEMBER, 2016.

P.C. :

1 The applicant seeking regular bail in Crime No. 76 of 2016 for the offences punishable under Section 376 of the Indian Penal Code r/w. Sections 4, 8 and 9 (M) of the Protection of Children from Sexual Offences Act, 2012.

2 The charge sheet in the matter is already filed as the investigation is over. There are no criminal antecedents. Perused the entire record, what could be inferred from the investigation is though the victim girl Meenakshi is not supporting claim as alleged in the F.I.R. It is after a period of 4 days at the behest of the mother crime in question came to be registered.

3 Before the registration of crime, there appears to be N.Cs. in relation to the same issue registered with the concerned police station and

the statement of the two investigating Officers in these two N.Cs. does not speak of narration of the alleged incident. The complainant in her statement has narrated about the deliberation between her, her husband and other relatives about lodging of F.I.R.

4 In the above referred background, particularly having regard to the fact that the victim girl has not suffered any injury in the alleged incident. There is hardly any material to infer that the applicant has participated in crime, as serious doubts are created.

5 In view thereof, the applicant entitled to be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount. The applicant shall regularly attend the trial and two consecutive defaults in attending the trial will entail the Court to proceed with cancellation of bail. The applicant shall not tamper with the evidence or influence the witnesses.

6 In view thereof, the application is allowed.

(N.W. SAMBRE, J.)