

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3342 OF 2017

Salim Ismail Tadavi **... Applicant**
Age 22 years, Occu: Education,
R/o Morvhal, Tq. Raver,
Dist. Aurangabad

VERSUS

The State of Maharashtra **... Respondent**
Through Police Station Raver,
Tq. Raver, Dist. Jalgaon

Mr. Atmaram J. Patil, Advocate for the applicant
Mr. A. S. Shinde, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 1st August, 2017

ORDER:

1. Heard Mr. Patil, learned counsel for the applicant and Mr. Shinde, learned APP for the State.

2. This application is filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No. 01/2017, registered with Raver Police Station Dist. Jalgaon, for the offences punishable under Sections 376(i), 366A, 306, 506 of the Indian Penal Code and under sections 5(1) of POCSO Act.

3. According to the prosecution, victim Manisha, 15 years old girl was taking education in 9th Standard and was residing with residing in Government Hostel at

Raver Baranpur Road. Accused is 22 years old. It is alleged that accused forcibly kidnapped the victim on 31.12.2016 and omitted sexual intercourse with her in a Hostel at Pal. Thereafter the accused took her at at his home and again committed sexual intercourse with her. The first informant, father of the victim took her wife to the said place and brought the victim at his home. The victim narrated the entire fact to them.

4. On 01.01.2017 the the victim committed suicide by hanging herself on Mango tree. Looking to the contents of the prosecution, it is crystal clear that the informant brought her deceased daughter to his house at about 3.p.m. On enquiry she disclosed about the act done by the applicant with her and on the very morning the deceased committed suicide.

5. At this stage, I do not see any reason for the informant to implicate the present applicant in false case. Further more, from the statement of witness Rahul Barela, it is crystal clear that he noticed the deceased in the company of the present applicant in a room in the Hostel and informed the said fact to one Surendra Barela. Thereupon Surendra Barela informed

this fact to the informant on telephone. Looking to the gravity of the grave circumstance appearing against the present applicant and disclosure made by the deceased to her parent, I am of the opinion that there is ample evidence against the present applicant to constitute offence under section 376 and 306 of the Indian Penal Code. Therefore he is not entitled for bail. Hence the criminal application is rejected.

(K. L. WADANE, J.)

JPC