

under section 376, 354(A) of the Indian Penal Code and under section 4 and 8 of Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that on 29/7/2015 Mrs. Maya Joshi lodged a report at the police station alleging therein that since 27/7/2015 she found her minor daughter in a depressed mood. She was not talking to anybody and therefore, on 29/7/2015 she enquired with her daughter the cause for state of depression. Upon enquiry, her minor daughter had disclosed that the present applicant had enquired with the victim in respect of the whereabouts of her family members and upon learning that they had gone to agricultural land, he had called the victim to the house and thereafter, had molested the victim. On the following day also, the victim was again molested by the present applicant. That she was sexually abused. On the basis of the report, Crime No. 157/2015 is registered.

4 The victim was subjected to medical examination on 30/7/2015. The doctor had opined that the victim had history of

epilepsy in childhood. That there were no injury marks on her person, hymen intact. There was whitish discharge on the labia. Samples were taken and sent for medical examination. The victim had given history of sexual intercourse by the present applicant, who happens to be 50 years old. The applicant happens to be the neighbour of the victim. It was informed that the victim had been sexually abused for 3 consecutive days.

5 The learned Counsel for the applicant submits that the applicant has been falsely implicated in the present case since there were intermittent quarrel between both the families. It is also submitted that the applicant had lodged reports against the family of the victim and being aggrieved by the same, the applicant has been implicated. The learned Counsel further submits that the recitals of the FIR may not inspire the confidence of the Court, as the victim appears to be tutored by the parents.

6 Be that as it may, prima facie, the statement of the victim needs to be taken into consideration at this stage. As on today, no corroboration is necessary. The victim is hardly 9 years old. It is a case of sexual abuse of child. Hence, the applicant does not deserve to be enlarged on bail.

7 However, observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered at the time of trial.

8 The application stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)