

Anand

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

BAIL APPLICATION NO.715 OF 2017

Lahu Ramchandra Kokare

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Vaibhav Gaikwad a/w. Mr. R. Parmane & Mr. Shrikant
Panhale, Advocate, for the Applicant

Mr. Vinod Chate, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 361 of 2016 registered with the Satara Taluka Police Station, for the alleged offences punishable under Sections 376, 452, 323 & 506 of the Indian Penal Code.

3. Learned counsel for the Applicant states that a false complaint has been registered as against him. He submitted that it is a case of consent and that the allegations of rape, have been alleged by the Complainant/Prosecutrix, at the instance of her

family members.

4. Learned APP opposes the Application.

5. Perused the papers. According to the prosecutrix, she was about 19 years of age at the time of the incident and was studying in the 12th Std. She has stated that on 19.09.2016 at about 7.00 a.m., her mother went for work and thereafter, she left to attend college. She has stated that at about 12.30 p.m. she returned from college, met her father, who informed her that he was going to Parli for work. She has further stated that her brother also went to the college and hence was asked to stay at home. According to the prosecutrix, after having lunch, she slept. She has stated that the Applicant entered the house at about 4.00 p.m., went near her and committed forcible sexual assault on her. She has stated that she tried to escape, however, the Applicant held and threatened her. The FIR has been lodged promptly i. e. within two hours of the incident of sexual assault and her medical examination was also conducted within five hours of the assault. It is recorded in the Medico Legal examination report, that the prosecutrix was terrorized and that she was threatened with dire consequences by the Applicant. The

Medical report also shows that there was vaginal bleeding and there were abrasions on her left upper limb and on both the thighs, inner aspect i. e. about three abrasions each about 7 cm x 0.5 cm. The Medical report also shows that hymen was absent. The Medical report is consistent with the statement of the prosecutrix.

6. Considering the nature of allegations, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)