

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

CRIMINAL BAIL APPLICATION NO. 687 OF 2016

Jaypal Govind Pardeshi.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. S.V. Marwadi i/b. Mr. Virendra V. Pethe, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

Mr. Shraddha Wagdande, API, Thane Nagar Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 28, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused papers.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 26/10/2015 in

Crime No. 235 of 2015 registered at Thane Nagar Police Station. Investigation is completed and charge-sheet is filed on 18/1/2016 for offence punishable under section 376(2)(f)(i)(n), 506 read with section 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that Ms. X lodged a report at the police station on 26/10/2015 contending therein that her father is an alcoholic and does not do any work. She has three brothers and elder one is doing catering job. She used to accompany her grand-mother to Naupada Police Station for doing cleaning work. There they met wife of the present applicant, who works as a police constable. That the wife of the applicant had requested the grand-mother of the complainant to allow the complainant to stay with her, as she has a small daughter. She had also assured to her grand-mother that she would take care of her and admit her in good school. Due to economic stringencies, the grand-mother had agreed. The complainant was admitted in a municipal school. The complainant

used to do work in the house of the applicant. It is alleged that on 24/10/2015 wife of the applicant had gone to attend night duty at the police station. That the complainant was studying in the hall. The applicant had taken undue advantage and had ravished her against her wish. It is further alleged that on 26/10/2015 in the morning when the wife of the applicant had gone to drop her daughter to school, the applicant had again indulged into similar act. The complainant was sent to purchase grocery from nearby shop. That the complainant had informed her friend about the incident dated 24/10/2015 and 26/10/2015. Her friend had taken her to her own house and the incident was disclosed to the mother of her friend. She had called some other ladies and the complainant was taken to the police station, where she lodged the report.

4 The date of birth of the complainant is 16/4/2003. At the time of incident, she was hardly 12 and half years.

5 Learned Counsel for the applicant submits that the applicant has been falsely implicated by the complainant and the grand-mother. It is submitted that in fact, the couple used to look after the complainant. It is also submitted that on 8/11/2016, the grand-mother of the complainant had lodged a report at Naupada Police Station alleging therein that the complainant had been abducted by accused Yogesh Modgave and on the pretext of getting married, he had ravished her. On the basis of the said report, Crime No. 315 of 2016 is registered at Naupada Police Station against Yogesh Madgave under section 376 and 363 of the Indian Penal Code and under Section 4 and 8 of the Protection of Children from Sexual Offences Act, 2012. The learned Counsel submits that this would clearly indicate that the present applicant has also been falsely implicated. The lodging of FIR in Crime No. 315 of 2016 is subsequent act and it cannot by any means falsify the allegations levelled against the applicant on 26/10/2015.

6 The learned APP submits that the applicant has taken undue advantage of the poverty of the complainant. Hence, the applicant does not deserve to be enlarged on bail.

7 Upon perusal of the papers of investigation, this Court is of the opinion that this is not a fit case for grant of bail. Hence, the application stands rejected. The learned Sessions Court shall not be influenced by the observations made in this application.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)