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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1123 OF 2017

Shivkumar M. Tupdolkar	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr.Viresh V. Purwant for the Applicant.

Ms.S.S. Kaushik, APP for the Respondent.

CORAM : T.V. NALAWADE, J.
DATE : 29TH AUGUST, 2017.

P.C. :-

1. The application is filed for grant of bail in C.R. No.603 of 2016, registered with Vijapur Naka Police Station for the offences punishable under sections 376, 376(E) and 506 of IPC with sections 4, 6 and 8 of Protection of Child from Sexual Offences Act. The papers of investigation are made available for the perusal of this Court.

2. The crime is registered on the basis of the report filed by the victim girl, who was 16 years old on the date of report. The present applicant is her maternal uncle. The victim is orphan child and as she has no shelter, she was leaving with some relatives at the

relevant time. She has made allegations that the first incident took place when she was staying in 4th standard. At that time she was staying in the house of grand mother Satyabhama. When she was sick, under the pretext that the applicant was taking her for medical treatment, he had taking her out she was made to unconscious, then applicant had sexual intercourse with her. This continued for many years. She has made allegations that ultimately the present applicant admitted her in a hostel but thereafter also he continued to have sexual intercourse with her. Ultimately, when she was got frustrated, she expressed it to her paternal aunt and then after receiving her support, she approached the police and gave report. This Court has seen the record of medical explanation of the victim girl. It is consistent with allegations made by her. It can be said that in the year 2010 when the first incident took place, she was aged about 9-10 years. The applicant is married man and is having four children. It can be said that the victim is like her own daughter but he committed such heinous act.

3. Learned counsel for the applicant produced on record a copy of list document. He produced on record some documents with regard to properties. It cannot be said that in respect of the property of one deceased, some proceedings were filed, but it cannot be said that the victim had contested any proceedings against the present

applicant on the contrary is contended that it is the present applicant, who had admitted her in the hostel.

4. Learned APP drew my attention to the spot panchanama, which shows that nobody was occupying that place where the applicant was taking the victim girl for committing offence. The rent receipts produced can be of no use at this stage by the present applicant. In view of the aforesaid circumstances, there is clear possibility that he will tamper with the prosecution witnesses if he gets relief.

5. In any case he has committed heinous act and it is not a fit case to grant the relief of bail to the applicant. In the result, the application stands rejected.

(T.V. NALAWADE, J.)