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

CRIMINAL BAIL APPLICATION NO.1257 OF 2017

Ramesh Bhimrao Dubale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rahul Kadam, i/b Mr.Mr.M.J.Pathan, for the Applicant.

Mr.S. H. Yadav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 20th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.94 of 2016 registered with the Samarth Police Station, Pune for the alleged offences punishable under Sections 3, 4 and 7 Protection of Children from Sexual Offences Act and under Section 376 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the said case. He submitted that the applicant was about 18 years at the relevant time.

4. Learned APP opposed the application.

5. Perused the papers. The complainant is the mother of the prosecutrix. The prosecutrix was about 5 years of age at the relevant time. She has stated that the applicant took her to his house and committed forcible intercourse with her. The incident has taken place on 25th May, 2016 at about 11.00 a.m. and the FIR was lodged on 27th May, 2016. The medical history given to the Doctor is consistent with the prosecutrix's statements recorded under Sections 161 and 164 of the Code of Criminal Procedure. The opinion of the medical doctor shows that there was evidence of torn hymen with peritymenal inflammation which is suggestive of vaginal penetration with no evidence of any injury on any part of the body.

6. Considering the material on record, prima-facie, this is not a fit case to enlarge the applicant on bail.

7. Hence, the Application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited keeping in mind the age of the prosecutrix and not the age of the applicant.

8. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)