

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1330 OF 2016

Shri Nilesh Rajan Jadhav	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Fakhruddin Khan,Advocate for the applicant.

Mrs.P.P.Shinde,APP, for the State.

Mr. D.B.Ghorpade, PSI, Cuffe Parade Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 6th February, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 5.7.2015 in Crime No.117 of 2015 registered at Cuffe Parade Police Station. The investigation is completed and charge-sheet is filed against the present applicant for the offences punishable under Sections 451, 354, 354(a), 376 of the Indian Penal Code and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that on 5.7.2015, the mother of the victim lodged a report at the police station that on that day at about 3.30 a.m., when they were sleeping in the house, the present applicant who resides in the neighbourhood, had entered into the house and had outraged

the modesty of her daughter who is 9 years old. Upon seeing the first informant, he had tried to flee from the spot. The first informant had succeeded in accosting him. At that time, her minor daughter aged about 9 years disclosed the incident to her mother wherein she was ravished. That the applicant had denuded her of her clothes and was sexually abusing her. When she woke up, he tried to run away and stood outside the door. On the basis of the report, offence was registered against the applicant. The victim was taken for examination. The history as narrated to the doctor is that he was attempting to ravish her. There is alleged history of fingering in the vagina and also anal intercourse.

3. The learned counsel for the applicant submits that there are inherent discrepancies in the statements of the witnesses and therefore the applicant deserves to be enlarged on bail.

4. Perused the statement of the victim. The history narrated by the victim to her mother, to the doctor and in her statement which is recorded on 9.7.2015 is consistent. The act of the applicant is heinous in nature and in these circumstances, the applicant does not deserve to be enlarged on bail. Hence, the application stands rejected.

(SMT. SADHANA S.JADHAV, J.)