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

BAIL APPLICATION NO. 2555 OF 2017

Mansukhlal Pralhad Sharma

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi for Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 6th DECEMBER 2017.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 161 of 2017 dated 20.04.2017 registered with Vishrantwadi Police Station, Pune under Sections 376 of the Indian Penal Code and under Section 3, 4, 5(m) and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] With a view to protect the identity of the victim girl who is a minor and in consonance with the provisions of Section 228(A) of the Indian Penal Code, detailed narration of facts mentioned in the first

information report and in the statement of the victim is hereby avoided.

4] The first information report is lodged by the mother of victim girl. It is stated in the said report that, after victim girl returned home on 19.4.2017 at about 5.00 p.m, she complained about pains in her stomach. The elderly persons from the house took victim girl in confidence, upon which the victim girl narrated the fact of sexual assault committed by the applicant on her. Police have recorded the statement of the victim girl in the presence of a lady police officer and the member of Mahila Dakshta Samiti of the said area. In her statement, victim girl has stated about the sexual assault committed by the applicant and also named “Sharma uncle”, a neighbour who committed the said act.

5] It is well settled position of law as has been enumerated by the Hon'ble Supreme Court in the case of Aman Kumar And Anr vs State Of Haryana [AIR SC 1497], that the prosecutrix complaining of having been a victim of the offence of rape is not an accomplice after the crime. That there is no rule of law that her testimony cannot be acted without corroboration in material particulars. She stands at a higher pedestal than an injured witness. That in the later case, there is injury on the physical form, while in the former it is both physical as well as psychological and

emotional. The same view is further expressed by the Supreme Court in the case of State of Himachal Pradesh Vs. Shree Kant Shekari [AIR (2004) SC 4404].

In the present case, the first information report and the statement of the victim girl appears to be trustworthy and reliable. The medical evidence on record also duly corroborates the version of the victim girl.

6] After taking into consideration the material available on record, the serious allegations against the applicants and the gravity of the offence, this Court is of the view that, the applicant does not deserve to be released on bail.

The application is accordingly rejected.

(A.S.GADKARI, J.)