

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1689 OF 2017

Mr. Dashrath S.Shinde ..Applicant.
vs.
The State of Maharashtra ..Respondents.

Mrs. Rachana Divekar for the Applicant.
Ms. A.A.Takalkar,APP. for the State.

CORAM: A.S.GADKARI, J.
DATE : 8th September, 2017.

P.C.

1. This is an application under Section 439 of Cr.P.C. for bail in CR No.671 of 2017 dated 15.11.2016 registered with Vakad Police, Station, District Pune under Sections-376, 506 of the Indian Penal Code and Section 5(J) 2 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228A of the Indian Penal Code the name of the victim girl and the detailed narration of facts mentioned in the first information report and other statements of witnesses is hereby avoided.

3. The age of the prosecutrix is about 16 years. The record indicates that on the basis of the first information report lodged by the mother of the victim girl the present crime is registered. The statement of victim girl is also recorded by the

police during the course of investigation. The statement of victim girl discloses a very sorry state of affairs. That by taking undue advantage of the situation, the present applicant has committed the offence of rape upon the victim girl. Prima facie, it appears that the statement of the victim girl is fully trustworthy and reliable. The victim girl in unequivocal terms has attributed the main role to the applicant in the present crime. The Supreme Court in the case of State of Himachal Pradesh vs. Shree Kant Shekari reported in AIR 2004 SC 4404 has held that, it is the settled position of law that a prosecutrix complaining of having been a victim of the offence of rape is not an accomplice after the crime. There is no rule of law that her testimony cannot be acted without corroboration in material particulars. Her testimony can be acted upon without corroboration.

4. In view of the statement of the prosecutrix available on record this Court is of the opinion that the applicant does not deserve to be released on bail.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)