

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1822 OF 2017**

Rampravesh Radheshyam Chouhan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rajeshchandra M. Kanojiya for the Applicant

Mr. S. S. Pednekar, Ms. P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 27th SEPTEMBER, 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. I-12 of 2015 registered with the Bhiwandi Taluka Police Station, for the alleged offences punishable under Sections 363, 376(D), 34 of the Indian Penal Code; and under Sections 3(A), 4, 5(g), 6 of the Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the said case. He submits that investigation

is complete and charge-sheet is filed and that the applicant is in custody for the last 2½ years.

4. Learned A.P.P opposed the bail application. He tendered the prosecutrix's statement recorded by the police under Section 164 Cr. P. C.

5. Perused the papers, in particular, the statement of the prosecutrix, aged 15 years. The prosecutrix has stated that the applicant was residing in the same chawl, where she was residing with her parents. She has stated that the applicant's friends - Gajani and Parvez would visit the applicant's house regularly. She has alleged that on 5th January, 2015, in the evening, when she was on her way to the hospital to purchase medicines, the applicant and co-accused Gajani and Ejaz stopped her on the way; made her sit on the two-wheeler and threatened her with dire consequences, if she did not sit on the vehicle; that thereafter, the accused took her to a room in Navghar, where the applicant and others committed forcible sexual intercourse with her. The prosecutrix's statement is consistent with her 164 statement. The history given to the Medical Officer also shows that she was sexually assaulted by three persons.

6. Considering the material on record, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.