

Anand

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

BAIL APPLICATION NO. 2346 OF 2017

Prakash Bansi Dongare .Applicant
Vs.
The State of Maharashtra & anr. .Respondents

Mr. G. N. Aiwale, Advocate, for the Applicant
Mr. Vinod Chate, APP, for the Respondent No.1 – State

CORAM : A.S.GADKARI, J.

DATE : 06.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 289 of 2016 registered with Bhosari Police Station, Pune under Section 376 of the Indian Penal Code and under Sections 3, 4 & 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

2. The victim in the present crime is a minor girl aged about four years. With a view to protect the identity of victim girl and in consonance with the provisions of Section 228-A of the IPC, the detailed narration of facts mentioned in the first information report and the statements of other witnesses are hereby avoided.

3. It is the prosecution case that the Applicant is the maternal uncle of victim girl and has committed an offence punishable under

Section 376 of the Indian Penal Code r/w 3, 4 & 12 of the POCSO Act. The first information report lodged by mother of the victim girl is duly corroborated by the statement of victim girl recorded by a lady Police Inspector attached to Bhosari Police Station, Pune. The said statement inspires confidence in the mind of this Court and prima facie appears to be trust worthy and reliable.

4. It is the 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)***. Corroboration is not necessary.

5. In view of the above, Application is rejected.

(A.S.GADKARI, J.)