

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2395 OF 2017

RAJESH SANA SHINGADA)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Kudeep Patil, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th NOVEMBER 2017

P.C. :

1 By this application, the applicant/accused in Crime No.I-06 of 2017, for offences punishable under Sections 363, 377, 452 and 507 of the Indian Penal Code (IPC) and under Sections 4 and 8 of Protection of Children from Sexual Offences Act (POCSO Act), registered with Police Station Gholwad, is seeking for his release on bail during pendency of his trial.

2 Heard the learned advocate appearing for the applicant/accused. He argued that the applicant/accused is falsely implicated in the crime in question and the evidence gathered by the Investigator does not show his prima facie complicity in the crime in question.

3 The learned APP opposed the application by pointing out that the First Informant as well as statement of the victim demonstrate involvement of the applicant/accused in the crime in question.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet. The crime in question is registered on the basis of report lodged by mother of the victim male child, who is stated to be aged about 13 years. In her FIR, lodged on the date of the incident itself, the mother of the alleged victim has disclosed the recitals of the victim in respect of the alleged offence. The FIR shows that, subsequently, the mother of the victim child questioned the applicant/accused and then lodged

the report. Statement of the victim male child came to be recorded in Question – Answer form, wherein, he has stated about penetrative sexual assault on him by the present applicant /accused. It is seen that medical evidence is supporting the case of the prosecution. It is also seen that the session case is ripe for hearing.

5 In this view of the matter, considering the nature of evidence and the material collected by the Investigator, I see no reason to release the applicant/accused on bail. Therefore, the order :

ORDER

The application is rejected.

(A. M. BADAR, J.)