

nsc.

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

CRIMINAL BAIL APPLICATION NO.2235 OF 2016

Pritesh Revansiddh Chaudhari	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.U.Nikam i/b Mr.Aashish Satpute, for the Applicant

Mr.Rajan Salvi, A.P.P. for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 10th APRIL, 2017

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the Respondent – State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.294 of 2016 registered with the Hadapsar Police Station, Pune, for the alleged offences punishable under Sections 376(I), 506(1), 507 of the Indian Penal Code and under Sections 3, 4,

5 (F) and 6 of Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case. He submits that a perusal of the statement of the prosecutrix shows that only because the applicant was asking the prosecutrix to marry him, that the present complaint has been lodged.

4. Learned APP opposed the application.

5. Perused the papers. The prosecutrix at the relevant time was about 14 years 10 months and the applicant was aged 31 years. The applicant was a tuition teacher who would come to the prosecutrix's house to teach the prosecutrix. According to the prosecutrix, sometime in November and December, 2015, the applicant committed forcible sexual intercourse with her. It appears that as the prosecutrix had pain in her abdomen, she disclosed to her mother that she was sexually assaulted by the applicant, and hence her mother took her for a sonography test. Thereafter, the prosecutrix's mother lodged a complaint as against the

applicant, alleging the aforesaid offences. A perusal of the statement of the prosecutrix shows that she was only 14 years and 10 months at the time of the incident and the applicant, aged 31 years, was taking tuitions in her house, where he forced her to have sexual relations with him. The statement of the prosecutrix is consistent with the medical history given by the prosecutrix to the doctor. In the history given to the doctor, the prosecutrix has stated that she knew the applicant for a year and that they had met at the coaching class. She has further stated that the applicant used to come to her house to teach her since October 2015 and had forced her to have sexual relations. She has given the history of 2 episodes of sexual assault, one in November and the other in December. The prosecutrix has also given history of physical assault. When the prosecutrix informed her parents, she was taken to the police station and accordingly the aforesaid complaint was lodged. The clinical examination which was conducted on the prosecutrix shows that her hymen was torn and that there was evidence of sexual vaginal penetrative intercourse.

6. Considering the evidence on record, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the Application for bail is rejected and disposed of as such.

8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application and the learned Judge shall decide the case on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)