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

CRIMINAL BAIL APPLICATION NO.2547 OF 2016

Abhijeet @Aba Ramdas Godase

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.R.A.Zade, for the Applicant.

Mr.S.S.Hulke, 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.85 of 2016 registered with the Phaltan City Police Station, Satara for the alleged offences punishable under Sections 376, 392, 506, 323 of the Indian Penal Code, under Sections 4, 5(8) and 6 of Protection of Children from Sexual Offences Act and under Sections

66(E) and 67(B) of the Information Technology Act.

3. Perused the papers. The prosecutrix was about 17 years of age at the relevant time and the applicant was about 31 years. It is alleged by the prosecutrix that when she was travelling on bus, she met the applicant as he was sitting next to her in the said bus. She has alleged that the applicant disclosed his name and stated that he was studying Management and that his sister has appeared for the MPSC Exams and he was owning a hotel at Phaltan. She has further alleged that when the bus reached near Girvinaka, she got down, however, the applicant requested her to come to the next stop stating that he would introduce her to his sister. She has further stated that on the next stop she got down alongwith the applicant and that the applicant took her on a motorcycle to several places, on the pretext of taking her to meet his sister. According to the prosecutrix, the applicant took her to unknown places and sexually assaulted her. Thereafter, she went home walking and disclosed the incident to her brother, pursuant to which the aforesaid complaint was lodged. Admittedly, the applicant and the prosecutrix were now known to each other, till they met on 22nd February, 2016 in the bus. The prosecutrix has given the history of assault

by unknown person on 22nd February, 2016 at Jadhav Wadi to the doctor. She has stated that she was taken by the applicant on a two wheeler after telling her that he was taking her to meet his sister who has appeared for MPSC exams. The medical report shows that the prosecutrix had sustained abrasion on her left shoulder and all over her back as well as there are graze over her thigh. It also appears from the said medical report that there was bluish black discoloration on the right side of labia minora and abrasion reddish painful over introitha at posterior fourchette and that the hymen was not intact.

4. Learned APP pointed out that the applicant was arrested in connection with a similar incident i.e. under Section 376 in February, 2016.

5. Learned Counsel for the applicant states that the applicant has been acquitted in the aforesaid case.

6. Be that as it may, considering the statement of the prosecutrix which is corroborated by the medical evidence, this is not a fit case to enlarge the applicant on bail.

7. Hence, 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 deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)