

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2568 OF 2016

Shirish Arjun Sapkal

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Ankush Dhokale Advocate for Applicant.

Mr. Arfan Sait APP for the State.

Mr. Chandekar, PI Mankhurd Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 9th MARCH, 2017.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 14/01/2016 in crime no. 14 of 2016 registered at Mankhurd Police Station on 13/01/2016. Investigation is completed and charge-sheet is filed on 19/03/2016 against the applicant for offence punishable under section 376 of the Indian Penal Code and sections 4, 5 (m) (n) of Protection of Children from Sexual Offences Act, 2012.

2) It is the case of the prosecution that on 13/01/2016, Mrs. Vaishali Sapkal i.e. wife of the present applicant lodged a report at the police station

alleging therein that she happens to be biological mother of the victim. That her husband Pramod Vaiti had expired in the year 2010. Thereafter, she had met present applicant and she got married to the present applicant. She was residing with present applicant along with her two minor daughters.

3) That on 12/01/2016, her neighbour Anita informed her telephonically that the minor daughter of the complainant was attempting to consume phenyl and commit suicide. The first informant rushed home from the place where she was working as domestic maid. She inquired with her daughter the reason for attempting to commit suicide. Upon inquiry, her minor daughter had disclosed to her that the present applicant had ravished her. The first informant was in the state of shock. She informed her mother-in-law and brother-in-law about the said incident. On 12/01/2016, she had confronted the applicant with the same. He denied to have raped the victim. He had challenged her to take appropriate steps. On the basis of the said report crime no. 14 of 2016 was registered. The victim was subjected to medical examination. It was revealed that there was a tear of hymen. The victim had given the history that she had been sexually abused by the present applicant

with his finger and he had also tried to penetrate but when she raised hue and cry, he had released her.

4) The learned counsel for the applicant submits that since the marriage was in doldrums, complainant has falsely implicated the present applicant. The said submission is unwarranted. There was no need for the mother to expose her daughter to such social obloquy and level such allegations against her husband at the cost of humiliation and dignity of her own daughter.

5) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)