

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATIN (BA) NO. 731 OF 2017

(Ramdas S/o Somanand Bagde..vs..State of Maharashtra, through PSO.PS.Patur,District-Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri K.H.Anandani, Advocate for applicant.
Shri T.A.Mirza, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J
DATED : AUGUST 11, 2017

This is an application for grant of regular bail.

2] Heard learned counsel for the applicant and learned A.P.P. for State.

3] The applicant is arrested in connection with Crime No.31/2017, registered with P.S.Patur of District Akola, for the offence punishable under Section 376(2)(I) of the Indian Penal Code and Section 4 of the Prevention of Children from Sexual Offences Act.

4] Heard learned counsel for applicant. He submits that since chargesheet is already filed the presence of applicant in jail is not required. He further submits that medical examination of the victim shows that there were no injuries on her private part. Merely, because chargesheet is filed that by itself does not give any right in favour of the accused that his application has to be considered in his favour. While granting or rejecting application for bail the Court is required to see the nature of the accusations , grievousness of the offence and impact on the society.

5] In the present case F.I.R. is lodged by mother of prosecutrix. The age of the prosecutrix is only two years . The age of the present applicant is 73 years. The present applicant is retired police officer. From the F.I.R. it is crystal clear that first informant is an eye witness to the incident by which she has seen the heinous act of the present applicant on a toddler.

6] Merely because there are no injury on the private part of the prosecutrix that by itself is not sufficient to release the applicant on bail.

7] Looking to the nature of the accusations made against the present applicant and the grievousness of the offence it is not a fit case wherein this Court should exercise its discretion in favour of the applicant. Hence, application stands rejected.

ORDER

The application rejected.

JUDGE