

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

BAIL APPLICATION NO. 2789 OF 2017

Kailas Tukaram Ranjane	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Manjiri S. Parasnis, for the applicant.
Mr. S.H.Yadav, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 21, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein was arrested on 15/3/2016 in Crime No. 139 of 2016 registered at Yavat Police Station for offence punishable under Section 376 of the Indian Penal Code and under Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act.

3 It is the case of the prosecution that on 15/3/2016 Shital
Ranjane, who happens to be wife of the applicant, lodged a report
alleging therein that on that day she had been to the agricultural land
alongwith the wife of the applicant for working as agricultural labour.
When she returned home,she saw that her minor daughter aged about
six years was lying on the ground with blood stains on her legs and
she had disclosed to her mother that she was assaulted by her father.

4 On the same day, the statement of the victim was recorded.
She had disclosed to the police that her father i.e. the present
applicant is an alcoholic. That, on that day, in the afternoon she was
alone in the company of her father. He had denuded her of her
clothes and committed sexual assault upon her. She had informed
her mother about the same. Her mother had seen blood stains on her
legs and thereafter lodged the report. The victim Ms.X was subjected
to clinical examination. The final opinion given by the doctor is as
follows :

“From clinical examination there is evidence of
penetrative, sexual vaginal intercourse The age of the

victim is six years. There is hymenal injury caused within 48 hours.”

5 The learned Counsel for the applicant submits that the applicant is not biological father of the victim and the first informant is also not the wife of the applicant and that the applicant has been falsely implicated.

6 Be that as it may, from perusal of the compilation of charge-sheet, it cannot be said that Ms.X who is hardly aged about six years had any intention to falsely implicate the applicant in the heinous offence like present one. The report of clinical examination speaks for itself.

7 In the above mentioned facts, the application being sans merit stands rejected.

(SMT. SADHANA S. JADHAV,J)