

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

CRIMINAL BAIL APPLICATION NO. 2931 OF 2017

Dilip Tatoba Raje (Kamble).	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Umesh R. Mankapure, advocate for Applicant.

Mrs. S.S. Kaushik, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 11, 2018**

P.C.:

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 14/8/2017 in Crime No. 92 of 2017 registered at Aajara Police Station, District-Kolhapur. The investigation is completed and charge-sheet is filed against the applicant for offence punishable under section 354A(1),

376(2)(f), 377 of the Indian Penal Code and section 4, 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that the applicant herein is working as a teacher in Bhadwan High School. He is 55 years old. On 12/8/2017 Mrs. Vaishali Patil, mother of Ms. X lodged a report at the police station alleging therein that on 12/8/2017 her husband's cousin had enquired with her as to whether her elder daughter Ms. X who is studying in 9th Standard goes for morning walk. The first informant had answered in the negative. Upon query made by the first informant, the distant relative had disclosed to her that he had seen her elder daughter in the company of the present applicant and he had also seen the present applicant making inappropriate sexual advances at her. The first informant had got enraged and enquired with her daughter who informed her that for the past two months, the present applicant was sexually abusing her and even when she attended drawing classes, he used to make inappropriate advances at her. But since she was threatened by him and was scared that he would fail her in her examination, she had not disclosed the said

incident to her mother. On the basis of the said submission, Crime No. 92 of 2017 was registered at the police station.

4 Perused the statement of the victim. She has reiterated the allegations levelled in the first information report. She has also narrated the torture that was meted out to her by the applicant. She has given the details. The victim was subjected to medical examination which reveals that the hymen was ruptured.

5 The learned Counsel for the applicant submits that the person who had seen her in the company of the applicant on 12/8/2017 was none other than the uncle of the victim. He had not reacted naturally. That the uncle would not have maintained silence after he had seen the applicant making inappropriate physical advances at her. According to the learned Counsel for the applicant, since the applicant was to be promoted as head master of the school, he has been falsely implicated in the present case. Therefore, he deserves to be enlarged on bail.

6 As against this, the learned APP as submitted that at present no such inference can be drawn that the applicant has been falsely implicated. That the reaction of the uncle may not be relevant for the consideration of grant of bail for the heinous offence like the present one.

7 Upon perusal of the record and considering the submissions advanced across the bar, this Court is of the opinion that the applicant does not deserve to be enlarged on bail. The application being sans merits stands rejected.

8 However, it is made clear that the observations made herein above are prima facie in nature and restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the trial Court shall not be influenced by the same at the time of trial.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)