

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2873 OF 2018

Dilip Dharma Chavan

..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr.Hiralal M.Salunkhe for the applicant.

Mr.M.G.Patil, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 26, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.190/2018 for offence punishable under section 376(N), 312, and 313 of the Indian Penal Code and under sections 3, 4, 5(J) (2) (L) (D) and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), the applicant after his arrest on March 26, 2018 came to be charge-sheeted.

3. The prayer for bail is opposed by learned APP based on the statement of the victim girl recorded under section 164 of the

Criminal Procedure Code.

4. If the medical examination of the victim girl is appreciated in the light of the contents in the F.I.R. and the opinion of the doctor rendered on March 24, 2018, the prosecution story narrated by the complainant, in my opinion, does not inspire confidence, for non co-operation attitude before the doctor speaks voluminous as regards her conduct post lodging of F.I.R. The investigation is already over and in view of the aforesaid backdrop, a case for bail is made out. Hence the order :-

- i) The applicant be released on bail in Crime No.190/2018 for offence punishable under section 376(N), 312, and 313 of the Indian Penal Code and under sections 3, 4, 5(J) (2) (L) (D) and 6 and 6 of the Protection of Children from Sexual Offences Act, 2012 upon furnishing P.R. bond of Rs.25,000/- with one or more sureties in the like amount;
- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- v) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)