

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.862 OF 2019

Hemant Kaduba Kathar] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Ms. Manisha Devkar, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 16th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.576/2018 registered with Hadapsar Police Station, Pune u/sec. 376 (2) (f) of I.P.C. and u/sec. 4, 6, 8, 10, 12 of The Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. The FIR is lodged on 14/05/2018 by mother of the victim. She has stated in her FIR that, on that day she come back home at around 11.00 a.m. after attending her job. Her daughter was crying. The informant took her in confidence and asked her why she was crying. The daughter informed her that, on 13/05/2018 informant's husband

had returned home at 9.00 a.m., after leaving the informant to her work place. There was nobody in the house. The informant's husband – victim's father then committed rape on her. On this basis, the FIR was lodged.

3. The applicant was arrested on 15/05/2018 and since then he is in custody.

4. Heard Ms. Manisha Devkar, Ld. Counsel for the Applicant and Mr. S.H. Yadav, Ld. APP for the State/Respondent. With their assistance, I have gone through the charge-sheet annexed to this application.

5. The charge-sheet contains statement of victim recorded by the police as well as by the Learned J.M.F.C. u/sec. 164 of Cr. P.C.

6. Ld. Counsel for the applicant submitted that, the applicant is falsely implicated. The victim's statement shows that, she had gone to Jejuri with her cousins and after returning home, she narrated the incident to her mother. This is contrary to her other statement.

7. Ld. APP opposed this application.

8. I have perused the victim's statement recorded by the police as well as by the Learned J.M.F.C. She has consistently narrated that, the applicant had committed rape on her on 13/05/2018 when no one was there in the house. Just because she had not immediately told this fact to her mother, will not take away anything from the gravity of the offence. At this stage, the statement of the victim is supporting the prosecution case. The offence is very serious. In this view of the matter, no case for his release on bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)