

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

CRIMINAL BAIL APPLICATION NO. 1749 OF 2019

Ankush Shantaram Shelkande

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. A. G.Wagole for Applicant.

Smt. A. A. Takalkar, APP for the State/Respondent.

Mr. Sujanali Inamdar, PSI, Junnar P.Stn., Pune, present.

CORAM :SARANG V. KOTWAL, J.
DATE :09th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. I 78/18 registered with Junnar Police Station, Pune, under sections 376, 323 and 506 of the Indian Penal Code and U/s. 4, 8 and 12 of The Protection of Children from Sexual Offences Act, 2012.

2. The FIR is lodged on 08/04/2018 by the prosecutrix herself who was 17 years of age at the time of incident. The FIR is

lodged against her own father. The applicant is the accused-father who has committed this heinous crime. She has stated in the FIR that there was some dispute between her parents, but on 28/03/2018 the applicant called back his wife. The applicant had assaulted the prosecutrix on 27/03/2018. On 07/04/2018 only the applicant and victim were in the house. The applicant committed rape on her. On this basis, the FIR is lodged. The applicant is arrested on 08/04/2018 and since then he is in custody.

4. I have heard Mr. A. G.Wagole, learned counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the State/Respondent. With their assistance, I have gone through the entire charge-sheet.

5. Learned counsel for the applicant submitted that the applicant is falsely implicated because of dispute between the applicant and his wife. Prosecutrix has lodged this FIR at behest of her mother i.e. wife of the applicant. He submitted that the medical report does not support the prosecution case and injuries mentioned were more than 10 days old before the incident. Learned APP opposed to this application. She submitted that the

interpretation of the learned counsel of the applicant about the medical certificate is not correct. She submitted that the offence is serious and the applicant does not deserve to be released on bail.

6. I have considered the submissions. I have perused the medical certificate as well. The medical certificate shows that the injuries concerned were less than three days old when the examination was conducted. This medical certificate, in fact, corroborates the story of the prosecutrix. The submission of the learned counsel for the applicant that the prosecutrix was having love affair with her boy friend and this is the cause of her injuries is not acceptable at this stage. At this stage, there is no reason to doubt the version of the prosecutrix. The offence is very serious. I am not inclined to grant bail to the present applicant. The application is rejected.

(SARANG V. KOTWAL, J.)