

CRIMINAL BAIL APPLICATION NO. 3335 OF 2018

Shri Raju @ Dashi Imansingh Tamang ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Rajesh A. More for Applicant.

Ms. J. S. Lohokare, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 7, 2019.

P.C. :

In Crime No. 123 of 2018 the Applicant came to be chargesheeted for an offence punishable under Section 376 of the Indian Penal Code and Sections 6 and 10 of the Protection of Children from Sexual Offences Act, 2012. The Applicant was arrested on 19th June 2018 and since then he is behind the bars.

2. Mr. More, the learned Counsel for Applicant would urge that it is a case of false implication. According to him, the testimony of the victim girl, particularly her statement under Section 164 of the Code of

Criminal Procedure cannot be believed as there is no certification about her mental condition. He would point out that the Magistrate has recorded that the victim girl is mentally unfit and her mental ability is considered to be 50%, that too without any medical evidence.

3. The learned Counsel for Applicant then would urge that if the statement of the victim is appreciated in the backdrop of the statement of the complainant – social worker, same is not trustworthy. According to him, even otherwise the offence cannot be made out against the Applicant on merit.

4. Perusal of the statement rerecorded under Section 164 of the Code of Criminal Procedure and the medical evidence *prima facie* demonstrates the involvement of the Applicant in the crime in question.

5. That being so, in my opinion, there is sufficient evidence to infer the involvement of the Applicant. As such, the Bail Application stands rejected.

6. The hearing of the trial is expedited. The court shall get

influenced by the observation made herein above, as the same are *prima facie* in nature.

(NITIN W. SAMBRE, J.)