

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

CRIMINAL BAIL APPLICATION NO.1289 OF 2019

Vivek Dattaram Jadhav

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rajdeep Lahiri, Advocate for the applicant.

Mr. H. J. Dedhia, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 07th January, 2020

P.C.:

1. The applicant is seeking bail in connection with C.R.No.23 of 2018, registered with Alore Shirgaon Police Station, for offences punishable under Sections 376(F)(J)(N), 506 of the Indian Penal Code ('IPC' for short) and Sections 4, 12 of Protection of Children From Sexual Offences ('POCSO' for short) Act r/w Section 75 of Juvenile Justice Act, 2015.

2. The prosecution case is that, the accused-applicant is the close relative of victim-child. In June 2014, the victim was minor. It is alleged that the accused had committed sexual intercourse with the victim for first time in June 2014 and last incident is in October

2015. The First Information Report was lodged on 14th May 2018. Statements of witnesses are recorded. The victim was medically examined. On completing investigation charge sheet is filed.

3. Learned counsel for the applicant submits that the case is false. Although, alleged incident had occurred in June 2014 and October 2015, the FIR was lodged belatedly on 14th May 2018. There are discrepancies in the medical evidence. It does not support the prosecution case. The applicant is in custody from 14th May 2018. Investigation is completed. Charge sheet is filed.

4. Learned APP submits that, the victim was minor at the time of incident. The FIR was lodged belatedly on account of threats issued by the applicant-accused. The victim was medically examined which corroborated her version. Specific over act has been attributed to the applicant.

5. The version of the victim alleges that, the offence was committed during the period from October 2014 to April 2015. The FIR was lodged on 14th May 2018. There is long unexplained delay in lodging First Information Report. Victim was medically examined after a period of three years from the date of last incident. No complaint was made to any other person. Considering the factual

matrix of this case further detention of the applicant is not warranted. The case for grant of bail is made out.

ORDER

- (i) Bail Application No.1289 of 2019 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R.No.23 of 2018, registered with Alore Shirgaon Police Station, Police Station, on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned police station once in a month on every first Saturday between 10:00 a.m. to 12:00 noon till further arrest.
- (iv) Bail Application is disposed of.

(PRAKASH D. NAIK, J.)