

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

CRIMINAL BAIL APPLICATION NO. 3362 OF 2019

Hanumant Dnyaneshwar Chavan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ghanasham S. Jadhav, Advocate for the Applicant.

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

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CORAM : PRAKASH D. NAIK, J.

DATE : 26th February, 2020

PC :

1. This is an application for bail under Section 439 of Cr.P.C. in connection with C.R. No. 214 of 2018 registered with Rajgad Police Station, Pune Rural for offences punishable under Sections 376 (3) & 506 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The prosecution case is that the victim is minor girl below 14 years. The accused is neighbour. In May-2018 the victim was subjected to sexual assault. The accused had called the victim on her cell phone. The complainant is mother of victim. The victim was taken into confidence and she told the complainant that the accused committed sexual intercourse with her in May, 2018. The complainant was in disturbed state of mind. She had no support. Her

husband is alcoholic. However, on 13th September, 2018 the accused tried to come close to the victim. She lodged FIR. The statement of victim was recorded. She was medically examined and charge-sheet is filed.

3. Learned counsel for the applicant submits that FIR is false. There is delay in lodging the FIR. Although the alleged incident had occurred in May-2018, the complaint was lodged in September-2018. The husband of the complainant was completely unaware about the incident. After registration of FIR he learnt about alleged incident. This shows that the FIR is false. The applicant is willing to stay out of jurisdiction of the Police Station. The accused is in custody for a period of one and half year.

4. Learned APP submitted that the victim is minor. The complainant has tendered explanation in the FIR itself for delay in lodging FIR. The medical evidence supports the prosecution case.

5. I have perused the document. Although the incident had occurred in May-2018, the complainant has offered explanation for lodging FIR in September, 2018. The victim was minor child below 14 years at the time of incident. The medical examination of the victim supports her version. The accused tried to speak to the victim on cell phone. Although the incident was informed to her by the

victim, for want of support and the circumstance narrated in the FIR, she did not lodge complaint immediately. However, the conduct of the applicant was such that he was trying to approach the victim again. The version of the victim is also fortified by the medical evidence. In these circumstance, no case for grant of bail is made out.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 3362 of 2019 stands rejected and disposed of accordingly.
- ii) Trial is expedited.

(PRAKASH D. NAIK, J.)