

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 668 OF 2020

Dilip Narayan Mungale, Wardha

Vs.

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri M.N. Ali, Advocate for applicant.

Shri S.A. Ashirgade, A.P.P. for the respondent/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : NOVEMBER 26, 2020.

Heard Shri Ali, learned counsel for the applicant
and Shri Ashirgade, learned A.P.P. for the respondent/State,
through Video Conferencing.

2. The applicant is said to be arrested on March 05, 2020 in connection with Crime No. 104/2020 dated March 04, 2020 registered at Police Station Hinganghat, District Wardha for the offences punishable under Sections 377 and 458 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short “the said Act”).

3. The case of the prosecution, in nutshell, is that on March 04, 2020, a report came to be lodged by one Shubham – complainant/victim, aged around 14 years, along with his mother stating therein that in the absence of his mother and grandmother, with whom he is residing in his house, his neighbour Dilip came to his house and asked

him to come in the room situated at back side of the house, where he had unnatural sex with him.

4. A perusal of the reply affidavit filed on behalf of the State would reveal that during the medical examination, the Medical Officer in clear terms opined “three white stains over underwear (inner anal region)”. The Medical Report on page 24 of the chargesheet is given as under :-

“Sexual intercourse cannot be ruled out at this stage.”

5. The incident is reported immediately. The age of the victim was bare 14 years at the relevant time, while the age of the applicant was 50 years. It being a case of unnatural sex, mere negative Medical Report, at this stage, is of no consequence.

6. Considering the seriousness of the accusations levelled against the applicant, this Court is of the opinion that he does not deserve bail at this juncture. Therefore, the bail application is rejected.

CRIMINAL APPLICATION (APPP) NO. 785 OF 2020.

In view of disposal of the bail application, the instant application does not survive. It is disposed of accordingly.

JUDGE