

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

CRIMINAL APPLICATION (BA) NO.1197/2019

Chatur alias Chetan Maroti Meshram .vs. State of Maharashtra through PSO
P.S. Chamorhsi, Tq. Chamorshi, Dist. Gadchiroli.

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

Court's or Judge's orders.

Mr. M. Rai, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE, J.

DATED : JANUARY 16, 2020

Applicant is arrested on 15.07.2019 in connection with Crime No.187/2019 registered with Police Station, Chamorshi, Dist. Gadchiroli for an offence punishable under Sections 376 (A) (B) of the Indian Penal Code and Sections 4, 6 (m) (n) of Protection of Children From Sexual Offences Act.

Heard Mr. Rai, learned counsel for applicant and Mr. Rode, learned A.P.P. for non applicant-State. According to learned counsel for applicant, investigation is over and therefore custodial presence of applicant is not necessary. It is also his statement that statement of victim would show that her clothes were not removed by applicant. It is also his submission that there was no injury to the private part of the victim. He, therefore, submits that application may be allowed.

At this stage, it was not disputed by learned counsel for applicant that age of the victim was 4 years 5

months. Statement of victim girl would show the act on the part of the applicant that he did fingering in the private part of the victim. For doing the said heinous act, the applicant may not have removed clothes of the victim. However, the act attributed to the applicant can be done even without removing her clothes.

The submission of learned counsel for applicant that medical evidence does not show anything, is of no consequence since it is settled law that if version of victim is found to be trustworthy and if it inspires confidence, there need not be any corroboration of whatsoever in nature.

The applicant is resident of the very same village where the victim girl resides. Looking to her age and the society from which she is coming, it is quite possible that if the applicant is released on bail, he may exercise his influence.

In that view of the matter, I do not find any merit in the application. Hence, the same is rejected.

JUDGE