

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1358 OF 2021

Raju Premchand Chordiya .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Shailesh Chavan i/b Mr. Milind Deshmukh for the Applicant.

Mr. A.R. Kapadnis, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 09TH JULY, 2021.

P.C:-

1. The Applicant is charge-sheeted in C.R. No.311 of 2020 for offences punishable under Sections 376, 376(2)(f) of the IPC and Sections 3, 4, 7 and 8 of the POCSO Act at Dighi Police Station, District Pune. He came to be arrested on 17/07/2020.

2. The case of the prosecution is that a complaint came to be lodged by the wife of the Applicant on 17/07/2020, where she alleges that she is residing on the given address with the

Applicant along with her daughter, aged 11 years. Near the house, the Applicant had opened a small kiosk for daily needed item, which was looked after by his father.

3. On 16/07/2020, a person in her neighbourhood came for fetching of milk and she was told by the Complainant to fetch it from the shop and told that it was shut. She approached there and found the shutter down, but a small door was open. When the Complainant entered inside, her husband and the victim was present there. She enquired with the victim girl as to what she was doing there who, in turn, responded that she was watching movie on mobile. When she noticed that the victim girl was not properly dressed, she inquired from her as to what had happened and the victim girl disclosed her that she has been caressed by her father and that she was made to lie down and her father had inserted his private organ in her place of urination and moved it 2-3 times and when he heard the door open, he wore his pant and started smoking. When further inquired, the victim girl disclosed that 10 to 15 days prior to the said incident also, her father had touched her private part and licked there.

4. On receiving the said information from her own daughter, she sought assistance from a social worker, whose contact number offered to, was saved by her on being supplied by a known lady, who had assisted her in some matrimonial problem. With her assistance, the Complainant approached the police

station and lodged the complaint. Corroborating is the statement of her neighbour, who had visited the shop for fetching milk and accompanied the Complainant to the shop, where she states that she found the husband of the Complainant present in the kiosk with the minor daughter.

5. The victim girl was sent for medical examination to the Sassoon General Hospital and came to be examined on the same day of lodging the complaint at 11.30 p.m. The history narrated is in sync with the narration of the Complainant in the FIR. Column No.19 of the medical report records as under: *“Tear present at 5 O’ clock position with inflammation.”* At the end of the report, the final opinion is given in the following words as *“From history and clinical examination, there is evidence of vaginal penetration with evidence of fresh physical injuries at present with peril-hymenal inflammation”*.

6. The statement of the victim girl was also recorded, where she reiterated the act of her father and which was reported by her mother to the police. The case of the prosecution is sufficiently strengthened by collating necessary material in the charge-sheet. The Applicant, who is the father of the victim girl, had subjected her to sexual assault.

7. This heinous act on part of the Applicant leaves one appalled. The father, who is looked upon as a protector of his

children is himself responsible for the despicable and vile act.

8. In the light of the material in the charge-sheet, the Applicant does not deserve his release on bail. Necessarily, the Application is rejected.

[SMT. BHARATI DANGRE, J.]