

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

CRIMINAL BAIL APPLICATION NO. 1601 OF 2021

Rohit @ Mental Jaibhagwan Janjotkar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Kuldeep Patil i/b Saili Dhuru, for the applicant.
Mr. Ajay Patil, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.
DATE : 21st APRIL, 2021

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No.1298 of 2019 registered at Tulinj Police Station, Palghar, on 17/11/2019 under sections 376(2)(n), 376-D, 377, 365, 368, 120-B, 323, 504, 506 of the Indian Penal Code and under Sections 4, 6, 8, 10, 12 and 17 of the Protection of Child from Sexual Offences Act. The applicant was arrested on 17/11/2019 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Kuldeep Patil, learned counsel for the

applicant and Mr. Ajay Patil, learned APP for the State.

3. The FIR was lodged by the victim herself. She has narrated the incident dated 16/11/2019. She had gone for morning walk alongwith her friends. At about 5.30 a.m., the main accused Amit Batla and his two companions confronted her. He showed knife and threatened the informant's friends. They ran away because of fear. The first informant was forcibly taken to Mohoammadi Building on fourth floor. In that room, the accused one after the other, committed rape on her. The applicant was specifically named in the FIR and specific act of commission of rape is attributed to him. She was kept in confinement till 4 O'clock in the evening. After she was released, she met one Suresh and Hrishikesh Tiwari. Thereafter she lodged her FIR.

4. Learned Counsel for the applicant submitted that the victim is in the habit of lodging false FIR. She had even lodged complaint against her father and

therefore she is not reliable.

5. Learned APP opposed this application. He relied on the FIR as well the statement of the victim recorded under section 164 of Cr.P.C.

6. I have considered these submissions. I have also perused the charge-sheet. The informant's statement was recorded under section 164 of Cr.P.C. She has narrated the same incident as she has narrated in the FIR. Her statements are consistent. The medical examination shows that, in the opinion of the doctor, evidence of sexual intercourse/ assault could not be ruled out, though final opinion was kept pending, till receipt of FSL report. The charge-sheet contains School Leaving Certificate of the victim, which mentioned her birth date as 4/4/2004. Hence is a minor.

7. At this stage there is consistent sufficient material against the present applicant. The offence is

quite serious. The informant was abducted at the point of knife. Rape was committed by three accused one after the other. At this stage there is no reason to doubt the veracity of her statement. The offence is very serious. Therefore no case for bail is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)