

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.494 OF 2022

Rashid Sardar Baig

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.K.S.Solanke, Advocate for applicant

Mr.V.S.Badakh, APP for respondent no.1

Ms.Seema T. Pawar, Advocate for respondent no.2 (appointed)

CORAM : R.G. AVACHAT, J.

DATE : JULY 13, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0847 of 2022 registered with M.I.D.C. Police Station, Dist.Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. Learned counsel for the applicant would submit that the medical examination report of the victim is inconsistent with the allegations in the FIR. He, therefore, urged for grant of the application.

4. Learned APP would, on the other hand, submit that the Medical Officer noticed redness on the private part of the victim, who was around eight years of age at the relevant time. The FIR has been lodged within half an hour of the incident.

5. Considered the submissions advanced. Perused the FIR.

6. The victim was in the custody of the applicant. Same is evident from the FIR. No sooner the victim was dropped at her residence, she narrated the incident to her mother. It is not necessary to reiterate the same in this order. Suffice it to say that the averments in the FIR leads this Court to reject the application.

7. The application is rejected.

8. Fee of learned counsel for respondent no.2 (appointed) is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP