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BAIL APPLICATION NO.1462/2021

Ms. Heena M. Mistry for the applicant.
Mr. S. V. Gavand, APP for State.
Mr. Swapnil Ovalekar for the victim.
Mr. Kadbhane, PSI, Shivaji Nagar Police Station.

DATE : DECEMBER 2, 2022.

1. Heard learned counsel for the applicant and learned APP for the State.

2. Since the victim is entitled to legal aid, Mr. Swapnil Ovalekar is appointed to represent the victim. I have heard him and he was kind enough to assist the Court along with the learned APP.

3. The applicant was arrested on July 7, 2020 for the offence punishable under Sections 376, 376(2)(f)(n), 376-AB, 376-C, 354, 354-A of the Indian Penal Code, 1860 read with Sections 4, 6, 8 and 10 of the Protection of Children

from Sexual Offences Act, 2012 vide C.R.No.347/2020 lodged with Shivaji Nagar Police Station.

4. Learned counsel for the applicant submitted that the applicant is the father of the victim and this is a case of false implication. She further submitted that there is a delay in filing the First Information Report (FIR). The FIR has been lodged on July 7, 2020 at the instance of the victim's mother. The victim at the relevant time was 11 years and 7 months old. There are specific allegations made against the applicant by the victim. The victim's statement under Section 164 of the Code of Criminal Procedure was recorded on July 18, 2020. It is specifically mentioned in the statement that the applicant has touched her inappropriately which constitutes the offence alleged. The medical papers have been placed on record. I have gone through the medical papers. At this stage, I do not wish to make any observations except that the allegations are serious and this is not a fit case for grant of bail.

5. Learned APP points out that the trial is proceeding and the victim and mother have already been examined. The

next date before the trial Court is December 6, 2022 when the doctor, panch witnesses and Investigating Officer are to be examined. These are the only witnesses to be examined. In this view of the matter, the trial Court is requested to expedite the trial and complete it preferably within a period of three (3) months from December 6, 2022.

6. The application is rejected.

(M. S. KARNIK, J.)