

3] The victim girl herself lodged the complaint in the Police Station on 07.02.2020, stating that she is 15 years old and on account of poverty, she is residing with her grandmother (Dadi Gudiya Singh) in Kandivali and she is taking care of her. According to her she was permitted to persuade her education upto 6th Standard.

The complainant state that, on 17.12.2018 after some celebration took place in the house in which the Applicant participated, when everyone was asleep and she was also sleeping in the hall, the Applicant alleged to have touched her inappropriately and when she was awakened by the touch, she was threatened that she should not narrate the incident to anyone.

Another incident prior to six month is also narrated by her when she was touched inappropriately by the Applicant.

4] She further state that on 01.02.2020 when her grand-mother and others in the house had gone for pilgrimage and she was left alone with her uncle and her sister who had also gone to school, it is alleged that, on 03.02.2020 the Applicant visited house and by locking the door he had forcibly committed sexual intercourse with her. She was also threatened that the incident shall not be revealed to her grandmother.

On the very next day when she visited a lady residing in the neighbourhood and when she made enquiries with her about the marks which she noticed on her neck, she did not disclose anything. Her grandmother and others returned from on 05.02.2020, and on 07.02.2020 the aunt in the neighbourhood apprised the grandmother of such marks on her body which she noticed. Her grandmother started scolding her for meeting her boy friend, at that time she revealed the name of the Applicant.

5] The statement of the victim girl is recorded under Section 164 of the Cr.P.C. where she confirmed her statement given to the police and she also disclosed that Applicant is referred to as husband of her aunt/grandmother and he was regularly visiting their house and used to stay at night also. She narrated the entire incident to the police and in her statement recorded under Section 164 of the Cr.P.C., she specifically narrated the incident when she was all alone in the house on 03.02.2020.

In the medical report of victim girl, there is mention of torn hymen and when she was referred for medical examination on 08.02.2022, she has given history of sexual assault which is recorded in the medial papers.

6] Learned counsel for the Applicant would vehemently submit that the victim girl has falsely implicated him as she had a boy-friend and for ruptured hymen the said boy is responsible.

I am unable to accept this submission, when there is no material indicative of the same except that the victim girl had admitted in her statement that she knows a boy, which, however, do not led to any inference that she has indulged in sex with him.

7] Considering the fact that the accusations faced by the Applicant are serious in nature and the victim girl being minor, the Applicant being a relative of her grandmother, there is every likelihood that on his release on bail, he will pressurize the victim girl and would create hindrance in the case of prosecution, hence the Applicant did not deserve his liberty. Resultantly, the Application is rejected.

8] I must put on record my appreciation for the learned Counsel

Mr.Viresh Purwant, who is appointed as counsel to represent the complainant through Legal Services Committee, who has rendered valuable assistance. The High Court Legal Services Committee shall pay his remuneration within a period of four weeks from today.

[BHARATI DANGRE, J]