

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (BA) NO. 1356/2021
(Rajesh S/o Bishanlal Jyariya Vs. The State of Maharashtra & anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S. G. Karmarkar, Advocate for applicant.
Mr. I. Damle, APP for non-applicant No.1.
Mr. U. Akone, Advocate for non-applicant No.2.

CORAM :- AVINASH G. GHAROTE, J.

DATED :- 04.03.2022

1. Heard Mr. Karmkar, learned counsel for the applicant and the learned APP for non-applicant No.1/State. The applicant has been arrayed for offence under Sections 376(2)(n), 376-C of the Indian Penal Code read with Section 5(n)(1) and 6 of the Protection of Children from Sexual Offences Act.

2. Duration of incident is from 22.05.2020 to 20.03.2021. The FIR having been lodged on 29.08.2021, the applicant has been arrested on 24.09.2021 and the Charge-sheet has been filed on 19.10.2021.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated at the instance of the victim, due to an animosity on account of the mother of victim having married with the applicant.

4. There is substantial delay in the lodging of the FIR. He submits that since the charge-sheet has already been filed, nothing remains to be investigated and applicant is entitled for bail.

5. Learned APP opposes the application and submits, that the victim has been exploited by the applicant whose relationship was that of the step father of the victim. It is further submitted that when the victim due to the applicant, having established physical relation with her, became pregnant, the applicant had caused pregnancy to be terminated by administering certain peels. He therefore, submits that the action of the applicant would disentitle him from claiming bail.

6. The residence of the victim with her mother and step father for the above duration is not disputed. Though it is contended, that there are no injuries on the private part of the victim, however, that is to be expected considering the duration for which the applicant is claimed to have established forcible relationship with the victim. Even though, the contention is raised that the allegation is being made only on account of enmity between father of the victim and the applicant, there is nothing on record to indicate this.

7. Considering the relationship and the nature of the of the offence, I do not see any case being made out for

releasing the applicant on bail. The application is therefore, rejected.

(AVINASH G. GHAROTE, J)

JITENDRA
BHARAT
GOHANE

Digitally signed
by JITENDRA
BHARAT
GOHANE
Date:
2022.03.04
17:52:57 +0530