

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

CRIMINAL APPEAL NO. 1115 OF 2022

Nanku Shrivilas Singh ... Appellant
Versus
The State of Maharashtra and another. ... Respondents

Ms. Vrushali Maindad a/w Ms. Shaheen Kapadia for the Appellant.

Mr. V.B. Konde-Deshmukh, APP for the Respondent-State.

Mr. Ajinkya Udane for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : APRIL 24, 2023

P. C. :

1. Heard learned counsel for the parties.
2. By this appeal, preferred under Section 14A of the The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "SC/ST Act"), the appellant seeks his enlargement on bail in connection with the C.R. No.541 of 2019, registered with the MIDC Bhosari Police Station, Pune City for the offences punishable under Sections 376, 354, 354-A, 509, 323, 511 of the Indian Penal Code, 1860, and Sections 3, 4, 7, 8 of

the Protection of Children from Sexual Offences Act, 2012, and Section 3(1)(w) (i) and (ii), 3(2)(v) of the SC/ST Act.

3. Learned counsel for the appellant states that there is no medical evidence to show that the appellant has committed sexual intercourse with the victim, aged 2 and $\frac{1}{2}$ years. She further submits that in view of the dispute between the victim's family and the appellant, he came to be falsely implicated in the case.

4. Learned APP opposes the bail application and submitted that the evidence of the victim's father is consistent with the medical evidence and the history given to the doctor. Learned counsel appearing for the Respondent No.2 also opposes grant of bail to the Appellant.

5. Perused the papers. According to the victim's father i.e. the complainant, the appellant had called the victim, who is aged about 2 and $\frac{1}{2}$ years, on the pretext of feeding chicken to her, pursuant to which his daughter went with the Appellant. He further states that as the appellant did not open the door, he peeped through the

window, and saw the appellant sleeping on his daughter. Pursuant thereto, the complainant entered the house. He has alleged that his daughter told him that the appellant had touched her private part.

6. The medical papers which are at page No.51 onwards reveal the finding of the Doctor (at page No.56) i.e. there is evidence of forcible vaginal penetration with laceration on right labio c/o genital injury.

7. Having considered the material on record, this is not a fit case to enlarge the appellant on bail. Appeal is accordingly dismissed.

8. The Trial Court to decide the case on its own merits uninfluenced by the aforesaid observations.

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.