

The State Of Maharashtra and Anr. ... Respondents

Mr. Chetan Bhosale, API, Vimantol Police Station, Pune , Present.

statement of the victim. It is further submitted that in absence of penetrative sexual assault at the most section 12 will apply and in that case the maximum punishment would be 3 years. He further submits that there is no sufficient evidence showing complicity of the applicant in the alleged offence. It is lastly argued that the period of offence is from 1.06.2019 to 1.11.2023. Whereas, the complaint was lodged on 21.03.2024 and the delay has not been explained.

4. On the other hand, the learned APP pointed out the relevant evidence and the material collected by the IO during the investigation against the applicant to show his complicity in the alleged offence.

5. The learned counsel for the respondent no. 2 / victim reiterates the submission of the learned APP and prays for rejection of the application.

6. In the above referred backdrop, having gone through the charge-sheet and the relevant material collected by the IO, during the investigation, it is evident that at the time of alleged first sexual assault the victim was 8 years old and it was continued for 4 years. Though there are some inconsistencies in the statement of the victim under Section 161, and statement under Section 164 of Cr.PC., she has narrated the events in detail. The medical evidence also supports the case of the prosecution.

7. Thus, considering the fact that the offence is heinous and as there is prima facie evidence available against the applicant to show his complicity in the alleged offence, I am not inclined to grant bail.

Accordingly, the application is rejected.

8. Considering the mandate of section 35 of the Cr.P.C. the liberty is granted to the applicant to apply afresh before the trial court after nine months, if there is no progress in trial.

9. The observations made in the order are prima facie and the trial Court shall not influence by the same.

(ANIL S. KILOR, J)