



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2393 OF 2024**

Gautam Vaman Wagh ... Applicant
versus
The State of Maharashtra and Anr. ... Respondents

Ms. Suvarna A. Vast with Mr. Rahul Dingankar, for Applicant.
Mr. Pradhuman Chauhan with Ms. Manali Sohoni, for Respondent no.2.
Mr. A.S.Shalgaonkar,, APP for State.
PSI Rohit Hegde, Kandivali Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 13 JANUARY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The victim in this case was 10 years of age. In the report, there are allegations of aggravated penetrative sexual intercourse by the applicant, who is the father of the victim, on multiple occasions. The mother of the victim has now filed an affidavit, asserting that the child had lodged the report out of misconception of facts.
3. The allegations in the FIR are specific. The victim had reiterated those allegations in her statement recorded before the learned Magistrate under Section 164 of the Code of Criminal Procedure.
4. In these circumstances, the Court cannot proceed on the basis of the affidavit of the mother of the victim. It would, therefore, be expedient to have an opinion of the child psychiatrist and psychologist regarding the

circumstances in which the child had made the allegations and the state of mind of the child as it obtains today.

5. The child / victim be, thus, examined by a team of Medical Officers, to be constituted by the Superintendent of Grant Government Medical College and Sir J.J.Group of Hospitals, which shall include a child psychiatrist and a child psychologist, and a report be submitted to the Court within a period of three weeks.

6. The Investigating Officer shall facilitate the examination of the child at Sir J.J.Hospitals. The mother of the child/victim shall take the child for the examination, as and when directed by the IO.

7. Stand over to 3 February 2025.

(N.J.JAMADAR, J.)