

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

BAIL APPLICATION NO.1527 OF 2015

Sharad @ Mahaveer Laxman Adake ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Rahul Dhaygude for the Applicant.

Ms G.P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE :4th DECEMBER, 2015.

P. C. :

This is a bail application filed by the aforesaid Applicant, who is an accused in Special Case No.41 of 2015 on the file of Additional Sessions Judge, Satara. Said case arises from C.R. No.62 of 2015 registered with Phaltan (rural) Police Station, District-Satara, for the offences punishable under sections 376 (2) (i) (n) of the IPC, section 6 of the Protection of Children From Sexual Offence Act and sections 3(1)(x)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989.

2. Mr. Rahul Dhaygude, the learned counsel for the Applicant has stated that the FIR is filed after 9 months from the date of the

incident and the Applicant is in custody since last 9 months. He has further submitted that the Applicant was in love with the victim girl and considering this fact, the Applicant may be released on bail.

3. The learned APP submitted that the victim is a 14 year old child and that she has given birth to a child. She has further submitted that the Applicant herein is a married man with a child, therefore he should not be enlarged on bail.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent-State. The records prima facie reveal that the victim is a 14 year old child whereas the Applicant is a married man of 30 years of age and has a child. The material on record prima facie shows that the Applicant had sexually abused the victim girl. The material on record further reveals that the victim girl has delivered a child. The DNA test prima facie reveals that the Applicant herein is the father of the child. The offence is of grave nature. The gravity of the offence is itself sufficient to decline bail. The evidence in the case has not yet commenced. The victim is not yet examined. Releasing the Applicant on bail at this stage will hamper the trial.

5. Under the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)