

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1102 OF 2015

Bablu Prakash Gaikwad ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Sachin Chandan, for the Applicant

Mr. Arfan Sait, APP for the Respondent-State.

IO. P.I. Ahire (API), Vishrantwadi police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 07, 2015**

P.C.:

. The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 363, 366-A, 376 read with 34 of the Indian Penal Code and under Section 4 of Protection of Children from Sexual Offences Act in C.R. No.23 of 2014 registered with Vishrantwadi police station, Pune.

2. It is the case of the prosecution that the prosecutrix is a 13 years old minor girl. On 17th January, 2014 she was going to her

school, at that time she was forcibly taken away by the co-accused Nagesh Avale and then she was brought to the applicant/accused Bablu who raped her on that night. While searching the prosecutrix, her parents found her crying. She informed the incident to her family members. Pursuant to which the offence was registered. Then the applicant/accused arrested on 22nd January, 2014. Hence, this bail application.

3. The learned counsel for the applicant/accused submitted that the prosecutrix was having an affair with the co-accused Nagesh and both of them were caught by the maternal uncle of the prosecutrix and therefore, the applicant/accused is falsely implicated in this case. Therefore he be granted bail.

4. The learned prosecutor opposed the bail application. He relied on the statements of the prosecutrix, her parents and friends. He also relied on the medical certificate and the medical examination papers of the prosecutrix.

5. On perusal of the documents, it appears that *prima facie*

the offence of rape is committed. The victim girl is only 13 years old.
Hence, bail can not be granted.

6. Hence, the bail application is rejected.

(MRS.MRIDULA BHATKAR, J.)