

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 210 OF 2017

Pandurang Kashinath Borhade. ..Appellant.
Versus
State of Maharashtra ..Respondent.

Mr. Satyvarat Joshi for the Appellant.
Mr. J. P. yagnik, APP for the State.

Coram : Ranjit More &
Smt. Revati Mohite Dere, JJ.
Date : **March 8, 2017.**

P. C. :

1. Learned Counsel appearing for the Appellant at the outset seeks leave to amend the appeal so as to delete name of Respondent No.2. Leave granted. Necessary amendment be carried out forthwith.

2. The appeal is filed challenging the order dated 18th February 2017 passed by Additional Sessions Judge, Khed-Rajgurunagar, Pune in Bail Application No. 37 of 2017 made under section 438 of the Code of Criminal Procedure, 1973. By the said order, appellant's bail application is rejected. We have perused the FIR and record. Charges levelled in the FIR are for the offences punishable under sections 363, 376(2), 506(2) read with 34 of the Indian Penal Code, 1860, section 4 of the Protection of Children from Sexual Offences Act, 2013 and section 3(1)(2), i,ii, 3(2)(va) of the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act, 1989. The role of the Appellant herein was disclosed while recording the memorandum statement of co-accused Deepak Bhandalkar. The record further reveals that the present Appellant put the knife on the neck of victim and forced her to sit on the bike and they kidnapped her. The prosecutrix was thereafter taken towards Alekhande, where she was allegedly raped by co-accused Deepak Bhandalkar. The prosecutrix is minor. The record shows that the present Appellant kidnapped the prosecutrix and facilitated the commission of offence under section 376(2). Offences alleged against the Appellant are of serious nature. Investigation is in progress. We are, therefore, of the opinion that that custodial interrogation of the Appellant is necessary. Hence, we are not inclined to grant the prayer. The appeal is dismissed.

[Smt. Revati Mohite Dere, J.]

[RANJIT MORE, J.]