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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1511 OF 2017

Dnyaneshwar @ Dnyandeo Ramchandra Maral..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr.Jaydeep Mane for the Applicant.

Mr.S.S.Hulke, APP for the Respondent-State.

CORAM : T.V.NALAWADE, J.

DATED : 16 AUGUST 2017

P.C.:-

This application is filed for bail in C.R.No.146/2017 for the offence punishable under sections 363, 366(A), 376(i) of the IPC and section 4 and 8 of the POSCO Act registered with the Karmala police station, Solapur. Both the sides are heard. The papers of investigation are produced for perusal.

2. The material collected against the Applicant shows that

on the date of incident, the Applicant gave a call to the victim girl, who was aged about 16 years. The Applicant threatened that he will commit suicide if she does not come with him and by saying, he took the victim girl Madhura and he committed sexual intercourse with the girl by giving her promise of marriage. Even the medical report is consistent with the aforesaid allegations made against the Applicant.

2. Learned counsel for the Applicant states that the boy is aged about 23 years and that they had love affairs and the girl left her house of on her own accord. This submission cannot be considered at this stage. Considering the age of the victim girl and that the Applicant has subjected her to sexual intercourse, there is a *prima facie* offence of rape. In view of the age of the victim girl, the provision of sections of POSCO Act have been applied in this case. There is possibility of tampering of evidence if the Applicant is released on bail. This Court finds that this is not a fit case to grant bail. The application is rejected.

(T.V.NALAWADE, J.)