

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

BAIL APPLICATION NO.312 OF 2018

Amar Balkrishna Gole		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Satyavrut Joshi for the Applicant.
Mr. N.B. Patil, APP for the State.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *4th June, 2018*

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 24th May, 2017 in Crime No.180 of 2017, registered at Haveli Police Station, Pune for the offences punishable under Sections 384, 385 and 376(j) of the Indian Penal Code and Sections 3,4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 67 of the

Information Technology Act. The investigation is completed and the charge-sheet is filed on 21st August, 2017.

3 It is the case of the prosecution that on 24th May, 2017, one Ms. “X” lodged a report at the Police Station alleging therein that the present applicant happens to be her distant relative. He stays in the same vicinity. He works as a Watchman. He used to visit their house frequently. When she was studying in 8th standard, he had told her that he used to like her and that she should oblige him. He had threatened her of dire consequence on her refusal. On one occasion, at her house when she was changing her clothes, he had clandestinely taken her video shooting. After a week, he had shown her the video clipping, which he had taken and had told her that he would post the same on social media as well as on Whatsapp. She was threatened to such an extent that she was constrained to oblige him. She had requested him not to hurt her brother. He had taken her to his house and had ravished her. He had also taken video shooting of the said act and had also taken obscene photographs of her. He also told her that she should not tell the said fact to anybody

and she was forced to do the same or else, he would upload the photographs on social media. He had also taken video shooting of her cousin sister. According to the prosecutrix, he was stalking her all the time. Finally, the prosecutrix was constrained to inform her parents about the said act of the applicant and had then approached the police station and lodged a report. On the basis of the said report, the offence was registered against the applicant. The papers of investigation would show that the victim was born in the year 2000. The date of registration was 11th December 2000. The investigating agency recorded the statement of one Dipak Chavan, who is working in Tanaya Digital Photo Studio. He had disclosed to the police that prior to one year of recording of his statement, the applicant had been to his shop and had requested him to develop certain photographs. Those photographs were of nude girls. Upon enquiry, he had disclosed that the said photographs are of his wife. The papers of investigation would clearly indicate the heinous act committed by the applicant. No case for bail is made out. It is in these circumstances, the applicant does not deserve to be enlarged

on bail. The application being sans-merits stands rejected.

4 The observations made hereinabove are prima facie in nature and are restricted to the application under Section 439 Code of Criminal Procedure and the trial Court shall not be influenced by the same at the time of trial.

(*Smt. Sadhana S. Jadhav*, J)