

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 391 OF 2018

Sagar Dilip Whavale

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mrs. Pranali Kakade i/b. Mr. C. K. Tripathi, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 09.03.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 58 of 2018 registered with the Dahisar Police Station, Mumbai, for the alleged offences punishable under Sections 376 (2)(N), 201, 114, 313 of the Indian Penal Code and under Sections 4 & 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

3. Perused the papers. A perusal of the statement of the prosecutrix aged 16 years shows the manner in which the Applicant had

lured her and thereafter, had physical relations with her. She has also stated that the Applicant asked her to have physical relations with his friends, if she wanted to get married to him. She has further stated that the Applicant's friends disclosed to her that the Applicant was in the habit of exploiting girls, having physical relations with them and thereafter, leaving them. She has further stated that after a few months, she realized that she was pregnant, pursuant to which, the child was aborted. It appears that co-accused – Dr. Khan, who performed the abortion on the prosecutrix was arrested and subsequently, enlarged on bail.

4. Considering the nature of allegations and the fact that the victim girl was exploited by the Applicant, this is not a fit case to grant pre-arrest bail to the Applicant. The Application stands rejected.

5. If an Application for regular bail is preferred by the Applicant, the learned Judge shall consider the same on its own merits uninfluenced by the observations made in the present Application.

(REVATI MOHITE DERE, J.)