

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

BAIL APPLICATION NO. 1530 OF 2018

Azhar Iqbal Mujawar
through jail.

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Pawan Mali , Advocate appointed for the Applicant.

Ms. Pallavi Dabholkar, APP for the State.

Mr. Premkumar B. Kedar, PSI Kurundwad P.Stn. present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 19, 2018.

P.C.

1. This is an application received from an under trial prisoner, who is facing trial in Special POCSO Case No. 11 of 2016 pending before the Addl. Sessions Judge, Jaisingpur, at Kolhapur.

2. The aforesaid case arises from Crime No.136 of 2016 registered at Kurundwad Police Station for offences under Section 363, 366(A), 376(2)(i) of I.P.C. and under Section 6 and 10 of POCSO Act.

3. Heard Mr. Mali, the learned Counsel for the applicant and Ms. Dabholkar, the learned APP for the State. I have perused the records

and considered the submissions advanced by the learned Counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by the father of the prosecutrix. A perusal of the FIR reveals that on 14th December, 2004, the minor daughter of the first informant who was about 11 years 6 months of age did not return home. Upon enquiry, it was learnt that one person had forcibly taken her on a motorcycle. The first informant and other villagers searched for the victim and found her near sugarcane plantation at Shivnakwadi. The applicant was present at the spot, and he was caught by the villagers while he was trying to run away from the spot. The prosecutrix informed her father that the applicant had forcible sexual intercourse with her. The father of the prosecutrix therefore lodged FIR against the applicant for kidnapping his daughter and also for sexually abusing her, and thus committing offence under Section 376 IPC as well as under the provisions of POCSO Act.

5. The statement of the prosecutrix, who was about 11 years of age was recorded. Her statement prima facie reveals that the applicant herein had forcibly taken her to the sugarcane plantation

and had sexual intercourse with her. The medical evidence also supports the case of the prosecution.

6. The material on record therefore prima facie indicates that the applicant had kidnapped and raped the minor girl who was barely 11 years of age. The offence is of serious nature. The gravity of the offence would not justify releasing the applicant on bail. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)