

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

BAIL APPLICATION No. 1765 of 2018.

Akshay Gurudatt Indoriya	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Mr. Satyavrat Joshi for applicant.
Mr. S.R.Agarkar, APP for the State.
Mr. B.D.Magar, PSI, Hadapsar P.S.Pune City, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATE : 26TH SEPTEMBER, 2018**

P.C:-

- 1) This is an application under Section 439 of Criminal Procedure Code for bail filed by the aforesaid applicant who facing trial in Sessions Case No. 544 of 2015 pending on the file of the learned Additional Sessions Judge, Pune, arising out of Cr. No. 178 of 2015, registered at Hadapsar Police Station, District Pune for offences punishable under Sections 376 (d), 452, 342, 392, 506 (2) of Indian Penal Code.
- 2) Heard Mr. Joshi, learned counsel for the applicant, and Mr. Agarkar, learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.
- 3) The aforesaid crime was registered pursuant to the

first information report lodged by the prosecutrix on 20/4/2015. A perusal of the FIR reveals that on 19/4/2015 the applicant along with co-accused had criminally trespassed in the house of the prosecutrix. They had raped her and had taken away her gold ornaments, cash of Rs.450/- and two mobile handsets from her possession. The prosecutrix had given a detail description of the persons involved in the incident. The applicant and the other co-accused were subsequently arrested. In the test identification parade held by the Tahsildar, the prosecutrix identified the applicant herein as one of the persons involved in the commission of the crime. The medical report reveals that the prosecutrix had sustained injuries, which fact also prima facie supports the case of the prosecution. The offence is of serious nature. The evidence is not yet commenced. Considering the gravity of the offence, in my considered view, this is not a fit case for grant of bail. Hence, application is dismissed.

4) Needless to mention that the above observations are made while deciding this bail application and shall not be construed as any expression of opinion on the merits of the case.

(SMT. ANUJA PRABHUDESSAI, J.)