

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

BAIL APPLICATION NO.1843 OF 2018

Aadesh Mohan Choure

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Nitesh Mohite I/b. Satyavrat Joshi for the Applicant.

Ms. Pallavi Dabholkar, APP for the State.

Mr. S.R.Chikhale, Police Constable Saswad Police Station, present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 19, 2018.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who is facing trial in Sessions Case No. 61 of 2018 pending before the learned Addl. Sessions Judge, Pune. The said case arises from Crime No. 342 of 2017 registered with Saswad Police Station, Pune for the offences under Section 363, 376(G)(D) of Indian Penal Code and under Section 6 of POCSO Act.

2. Heard Mr. Mohite, the learned Counsel for the applicant and

Ms. Pallavi Dabholkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The father of the prosecutrix had lodged a report on 18th November, 2017 stating that his minor girl aged about 14 years was not found in the house. He suspected that she was kidnapped. He had therefore lodged a report against an unknown person for kidnapping his daughter. Based on the said report, initially crime was registered for offence under Section 363 of IPC. Subsequently, the statement of the victim was recorded. The statement of the victim reveals that on 18.11.2018 while she was returning from school, the co-accused Rohan her and took her to Bhairavnath temple. Thereafter he took her towards bushy area behind Bhairavnath temple and had forcible sexual intercourse with her. He thereafter left her at Palakhi maidan and told her that two of his friends would be coming there and that he told her to wait for his friends. She has stated that thereafter the applicant and his friend Santosh came to the place. They saw her crying, they told her that Rohan had sent

them. The said boys took her to Laxmi Narayan Hotel Lodge and had sexual intercourse with her. She has further stated that thereafter they dropped her again at Palakhi maidan.

4. The statement of the prosecutrix prima facie reveals that she was raped by the applicant and other co-accused. The prosecutrix was sent for medical examination at Sasoon hospital. The medical record prima facie supports the case of the prosecution.

5. The material on record prima facie indicates that the applicant and other co-accused are involved in committing rape on a minor girl who was barely about 14 years of age. The offence is of serious nature. The gravity of the offence is itself sufficient to decline bail. Furthermore, the trial has not yet commenced. Releasing the applicant on bail can hinder the trial. Under the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)