

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

BAIL APPLICATION NO. 2041 OF 2018

Mr. Pavan @ Pawanraj Narsingh KudalkarApplicant
V/s.

The State of MaharashtraRespondent

Mr. Sachin R. Pawar for the applicant.

Mr. S.S. Pednekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 31th AUGUST, 2018.

P.C.:

. This is an application for bail under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.01/2018 registered at Jejuri Police Station, District Pune for offences punishable under sections 376(1) of Indian Penal Code and sections 3, 4, 5(m), 6, 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 and other provisions of S.C. & S.T. (Prevention of Atrocities) Act, 1999.

2. Heard Mr. Sachin R. Pawar, learned counsel for the applicant and Mr. S.S. Pednekar, 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 victim is a 09 year old girl and the applicant is her neighbour. The first informant is a mother of the prosecutrix. She had lodged the first information report on 07/09/2018. The first informant who is a vegetable vendor, has stated that on a relevant date, at about 08:00 a.m., she and her husband had gone to the vegetable market to sell vegetables. They returned at about 11:45 a.m. At that time, they saw the applicant leaving their house hurriedly. When they entered the house, they saw the prosecutrix crying and when they questioned her, she told them that the applicant herein had sexually abused her. The first informant, therefore, lodged the first information report against the applicant for committing rape on her daughter. The statement of the prosecutrix also *prima facie* indicates that the applicant had subjected her to rape. The statement of the prosecutrix is also supported by medical evidence.

4. The material on record, *prima facie* reveals that the applicant is involved in committing rape of a minor girl, who is barely 09 years of age. The offence is of a serious nature. Furthermore, the applicant is a neighbour of the victim. Releasing him on bail will jeopardies the trial.

5. Considering the above facts and circumstance, the applicant is not entitled for bail. Hence, Bail Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)