

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

BAIL APPLICATION No. 2126 of 2018.

Vaibhav Mallikarjun Eklare	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Mr. Piyush Toshniwal, I/by Ashish Satpute, Adv. for applicant.
Mr. S.H.Yadav, APP for the State.

**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 is arrested in Cr. No. 76 of 2018, registered at Bhosari Police Station, District Pune for offences punishable under Sections 354, 376 of Indian Penal Code and under Section 4, 5(m), 6,7 and 8 of the Protection of Children from Sexual Offences Act,2012.
- 2) Heard Mr. Toshniwal, learned counsel for the applicant, and Mr. Yadav, 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 mother of the prosecutrix.

4) A perusal of the FIR reveals that on 28/2/2018 the first informant had sent her minor daughter / prosecutrix, aged about 11 years, to the nearby grocery store to purchase biscuit. Her daughter came home crying and told her that the person running the said store dragged her inside the shop and closed the shutter and committed rape. The parents of the prosecutrix took her to the said shop and that the prosecutrix pointed out to the applicant herein as a person who had committed rape. Statement of prosecutrix recorded under section 161 as well as 164 of Criminal Procedure Code also prima facie indicate that the applicant herein had committed rape. The medical evidence also prima facie supports the case of the prosecutrix. The prosecutrix is a minor girl of 11 years of age. The offence committed by the applicant is of serious nature. Further more, he is a resident of the same locality and in the event he is released on bail there is every possibility of the applicant exerting pressure upon the victim and her family members and interfering in the course of justice. Considering the facts and circumstances, this is not a case for bail. Hence application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)