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

BAIL APPLICATION NO. 2250 OF 2018

Deepak Laxman Ghobale

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi for applicant.

Mr. Ajay Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 3rd December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 345 of 2016 dated 24.8.2016 registered with Kondhwa Police Station, Pune under Section 376, 506(1) of the Indian Penal Code and sections 4,6 and 8 of the Protection of Children From Sexual Offences Act (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The prosecutrix in the present case was aged about 16 years and six months on the date of commission of the offence and with a view to protect her identity and in consonance with the provisions of Section 228(A) of the Indian Penal Code and under Section 33(7) of the Protection

of Children From Sexual Offences Act (POCSO Act), the detailed narration of the facts mentioned in the first information report and other relevant statements of witnesses disclosing her identity are hereby avoided.

4] It is the prosecution case that, the prosecutrix was residing with her uncle and aunt. The prosecutrix along with her uncle and aunt was working as labourer and earning livelihood from the same. The applicant is also residing in the same locality. It is alleged that, by taking undue advantage of the acquaintance, applicant committed forcible sexual assault on the prosecutrix by extending threat of her life. He further committed penetrative intercourse with the prosecutrix two to three times prior to lodgment of the present crime. As the prosecutrix did not get her menstrual cycle/period, her aunt took her to the Doctor wherein it was disclosed that the prosecutrix is pregnant of 16 weeks. During the course of investigation, the applicant came to be arrested on 17.11.2016 and after completion of investigation police have submitted chargesheet.

5] Perusal of the chargesheet would indicate that, the prosecutrix was not a consenting party to the alleged act committed by the applicant and it is only because of threats to her life extended by the applicant, she did not inform the said fact to her parents. The applicant has further

committed the said act on two to three occasions. The prosecutrix has undergone medical termination of pregnancy and the DNA of the fetus of the prosecutrix matches with the blood sample of the applicant. As noted earlier, the applicant by taking undue advantage, committed the said act on the prosecutrix who belongs to socially and economically backward strata of the society. The record indicates that, the prosecutrix is illiterate girl, as she has affixed her thumb impression on the documents which are annexed to the chargesheet.

6] There is sufficient material available on record to show the clear complicity of the applicant in the present crime and the applicant is the sole perpetrator of the crime.

In view thereof, the application is accordingly rejected.

7] The applicant is in jail since 17.11.2016. The learned Additional Sessions Judge, Pune seized of Special Sessions Case No.81 of 2017 arising out of CR No.345 of 2016 registered with Kondhwa Police Station is hereby requested to expedite the said trial and to make an endeavour to conclude the same within a period of one year from today.

(A.S.GADKARI, J.)