

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2652 OF 2018**

Ashpak Salim Bagwan

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ganesh Bhujbal for the Applicant.

Ms. J.S.Lohokare, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 24, 2018.**

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who is arrested in Crime No. 23 of 2018 registered with Kondwa Police Station, Pune for offences under Section 354 (d), 376(2), 376(2)(j), 506 of Indian Penal Code r/w. Section 4, 8 of Preventions of Children from Sexual Offence (POCSO) Act, 2012.

2. Heard Mr. Bhujbal, the learned Counsel for the applicant and Ms. Lohokare, 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 aforesaid crime was registered pursuant to the FIR lodged by the mother of the prosecutrix. The records prima facie reveal that the applicant is a married man with five children, whereas the prosecutrix is a minor girl. The FIR as well as the statement of the victim, prima facie reveal that the applicant herein had sexual intercourse with the prosecutrix. There are also allegations that he had threatened to defame her, and also to cause death of her parents. The medical reports prima facie support the case of the prosecutrix. The material on record prima facie reveals that the applicant is involved in committing rape on a minor girl. The offence is of serious nature. The gravity of the offence would not justify grant of bail. The applicant and the victim are residing in the same locality. In the event the applicant is released on bail, the possibility of the applicant pressurizing the victim cannot be ruled out. Thus, releasing the applicant on bail will hamper the trial.
4. Considering the above facts and circumstances, this is not a fit case for grant of bail. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)