

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO.2939 OF 2017**

Rahul Nirash Raut

....Applicant/
Accused

Vs.

State of Maharashtra

....Respondent.

Mr.Jagdish i/b Mr.M.M. Mirchandani, for the Applicant.
Mr.S.S. Hulke, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 7th JUNE, 2018.

P.C.:-

1) This is an Application under Section 439 of the Cr.P.C. for bail in CR No.80 of 2017 dated 30.07.2017 registered with Cuff Parade Police Station, Mumbai under Sections 376(1) of the Indian Penal Code and Sections 4, 8 and 12 of Protection of Children from Sexual Offence Act, 2012.

2) The victim girl in the present crime was aged about 17 years on the date of the incident and with a view to protect her identity and in consonance with the provisions of Section 228(A) of the Indian Penal Code and Section 33(7) of the POCSO Act, the name of the victim girl, her close relatives and the detail narration of the facts mentioned in the first information report and/or in the

statements of witnesses is hereby avoided.

3) It is the case of the prosecution in brief that, on 03.07.2017 at about 1.30 p.m. the victim girl along with her sisters had been near the creek situated at Ambedkar Nagar, Cuff Parade, Mumbai for playing. The applicant forcible took her to a desolate spot and committed forcible rape on her. The victim girl immediately went home and discussed the said fact to her close relatives and the present crime is registered.

4) The record indicates that one of the witness saw the victim girl coming out of a hut at about 6.30 p.m. along with the applicant and the victim girl was in frightened condition and was profusely weeping. The other statements of the witnesses duly corroborate the version of the victim girl. The Medical report also corroborates the version of the victim girl.

5) After taking into consideration the material available on record, the serious allegations against the applicant and the gravity of the offence, this Court is of the view that the applicant does not deserve to be protected by pre-arrest bail.

4) Application is accordingly rejected.

(A.S. GADKARI, J.)