

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

CRIMINAL BAIL APPLICATION NO. 155 OF 2019

Bajirao Durga Waghmode ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Kuldeep Patil I/by Prashant S. Hagare for Applicant.

Ms. S. S. Kaushik, APP for Respondent – State.

Mr. Pravin Shivajirao Wayase, Police Constable, Police Station, Walchandnagar, Pune (Rural) present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 4, 2019.

P.C. :

. In Crime No. 268 of 2018 for an offence punishable under Sections 376(3), 354 & 506 of the Indian Penal Code and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act the Applicant is seeking regular bail.

2. The learned Counsel for Applicant submits that the Applicant was married to victim girl and out of the matrimonial discord the Applicant is implicated in a false offence.

3. Considering the age of the victim and the other material available on record what could be inferred is, to get rid off the prosecution for his earlier act of committing an offence of rape, the Applicant appears to have married with the victim girl. Thereafter having realized that he is out of clutches of law for his initial criminal act of rape, drove away the victim girl. The Applicant is also coming out with a case of marriage with the victim girl on 28th April 2018 when she was below the age of 18 years. The net cumulative effect is, there is strong set of evidence available against the Applicant regarding involvement in the crime in question, as could be inferred from the documentary evidence brought on record.

4. As such no case for grant of bail is made out. Hence, the Bail Application stands rejected.

5. Liberty to the Applicant to approach afresh in March-2020. By that time the victim girl will be major.

(NITIN W. SAMBRE, J.)