

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

CRIMINAL BAIL APPLICATION NO.816 OF 2019

Prakash Madhukar Rajguru Applicant

versus

The State of Maharashtra Respondent

.....

- Mr.Rushikesh S. Kale, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 27th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.264/17 registered with Chinchwad Police Station, Pune, under sections 376, 376(I)(N), 120(B), 504, 506 r/w 34 of the Indian Penal Code and under sections 3 and 4 of Protection of children from Sexual Offence Act, 2012 (for short 'POCSO Act').

2. The FIR in this case is lodged by the victim herself on

11/10/2017. She has stated that she was 14 years of age at the time of the incident. She was knowing the Applicant and other accused Vijay Katare. She was also knowing one Mandakini who was her neighbour. Mandakini was having love affair with Vijay Katare and the victim was knowing about it. On 18/03/2017 Mandakini took the prosecutrix to Akurdi on some pretext and thereafter she was taken at a secluded spot. At that time, the accused Vijay Katare, Akshay Shirsath and the present Applicant met them. Akshay Shirsath and Vijay Katare instigated the present Applicant to take the prosecutrix away. The Applicant took her away in bushes and committed rape. The Applicant took her photographs. Mandakini threatened and abused her. Thereafter in the month of April Mandakini came to the house of the prosecutrix and threatened her. The present Applicant committed rape on other occasions under the threats of showing photographs to others. These incidents continued. The prosecutrix got fed up, she told her sister and finally lodged the FIR. The Applicant was arrested on 11/10/2017 and since then he is in custody.

3. The investigation is over and the charge-sheet is filed. In the charge-sheet the main evidence, of course, is the statement of the victim.
4. I have heard learned Counsel Mr.Rushikesh S. Kale for the Applicant and learned APP Mr.S.H. Yadav for the State.
5. The learned Counsel for the Applicant submitted that the Applicant is falsely implicated. There was love affair between the Applicant and the victim. He further submitted that the FIR was lodged by the victim after their relations became strained.
6. Learned APP opposed grant of relief and submitted that the offence is serious.
7. Having considered the statement of the victim, it is more than clear that the Applicant has committed forceful

intercourse against her wish. In any case, the victim was only 14 years of age. Therefore offence under POCSO is also made out. Offence is serious and there is sufficient material against the present Applicant. In these circumstances, the Applicant does not deserve to be released on bail. Therefore the application is rejected.

(SARANG V. KOTWAL, J.)