

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 475 OF 2018
IN
CRIMINAL APPEAL NO. 468 OF 2017**

Navnath Nivrutti Gangode

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Arun Rajput I/b. Ms. Anjali Patil for applicant.

Mr. Y. M. Nakhwa APP for State.

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 17th June, 2019.

P.C. :

1. On 28/08/2017, the matter was heard for a considerable time before Justice Anuja Prabhudesai. It appears that when she was not inclined to grant bail, the application was withdrawn and was dismissed accordingly.

2. Upon perusal of the facts of the case and impugned judgment, no case for bail is made out. It appears from the record that the victim is minor girl who was hardly 13 years old at the time of incident. It further appears that the victim was in love with the present appellant. It appears that she had conceived pregnancy. According to the learned counsel, the DNA profile does not match

with the present appellant and therefore, he is entitled to be enlarged on bail. In any case, the victim was minor at the time of incident. This Court cannot take into consideration the consent which was purportedly given at the age of 13 by the victim.

3. In view of this, no case for bail is made out. The application deserves to be rejected. Liberty to mention the matter for seeking expeditious hearing. Mention the matter after 6 months.

4. The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)