IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1928 OF 2019

Omkar Tayyappa Kanade ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Sachin H. Deokar, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the state-respondent.

.....

CORAM : PRAKASH D. NAIK, J.
DATE : 20th November, 2019

PC :

1. The applicant is seeking bail in connection with C.R. No. 308 of 2018 registered with Yerawada Police Station, Pune for offences punishable under Sections 376, 354, 354 (A)(D) of Indian Penal Code and Sections 3, 4, 7 and 8 of Protection of Children from Sexual Offences Act, 2012.

2. The victim has stated that when she had gone with her brother on the mountain, the applicant chased her and forceful sexually intercourse. She was medically examined. The statements of victim and other witnesses were recorded and charge sheet was filed.

3. Learned counsel for the applicant submitted that identity of the applicant as a person who is involved in the crime is under doubt. The applicant is aged about 20 years at the time of the incident. He is in custody for more than a year. There are no antecedents against him hence, bail may be granted.

4. Learned APP drew my attention to the statement of the witnesses and the medical evidence. He submitted that the victim was minor aged about 14 years at the time of the incident. It is the case of the forceful sexually intercourse. The applicant is aged about 20 years. However, considering the age of the applicant and the fact that he is in custody about a year. Trial can be expedited.

5. I have perused the charge-sheet. The victim is a minor girl who had specifically stated that the applicant had forceful sexual intercourse with her. The statement further mentions that the applicant used to harassed her in the past which was informed by her to her brother. Her brother had disclosed the name of the said person as Omkar. She further stated that he is the same person who committed the aforesaid act of sexual assault to her. The version of the victim child is also supported by medical evidence.

6. In these circumstances, no case for grant of bail is made out. Hence, order as follows.

O R D E R

i) Bail Application No. 1928 of 2019 stands rejected.

ii) Trial is expedited.

(PRAKASH D. NAIK, J.)