

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

CRI.ANTICIPATORY BAIL APPLICATION NO.1786 OF 2019

Sushant Ravi Borde

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

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Ms.Priyanka K. Dubey, Advocate for the Applicant.

Ms.P.P. Shinde, APP for Respondent – State.

API Chavan a/w. Pairavi Officer PSI Dhuri, Sakinaka Police Station.

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**CORAM : PRAKASH D. NAIK, J.
(CHAMBER MATTER)**

DATED : AUGUST 29, 2019.

P.C. :

This is a second Application for Anticipatory Bail in connection with C.R. No.331 of 2018, registered with Sakinaka Police Station, Mumbai. The FIR was lodged on 24th May, 2018 for the offences punishable under Section 376 of Indian Penal Code and Sections 4 and 8 of the POCSO Act.

2 The previous Application for Anticipatory Bail viz. Anticipatory Bail application No.2037 of 2018 was withdrawn at the request of the Applicant and the said Application was

disposed of by order dated 9th October, 2018. After lapse of about 10 months thereafter the present Application has been preferred seeking similar reliefs.

3 Learned counsel for the Applicant submits that there are discrepancies in the medical evidence. There is delay in lodging complaint. The Applicant has been falsely implicated in this case. The mother and victim has submitted the affidavit to the investigating officer stating that the FIR lodged on 24th May, 2018 is false. Victim was pressurised to make complaint. The custodial interrogation of the Applicant is not necessary.

4 Learned APP submits that there is no change circumstances. The earlier Application was withdrawn as apparently the Court was not inclined to grant relief. It is also pointed out that the alleged affidavit was notarized on 31st October, 2018. The contents of the affidavit are contrary to the statement of the victim recorded under Section 164 of Cr.P.C. Applicant is not available for investigation.

5 It is apparent that the earlier Application was withdrawn on 9th October, 2018. There is sufficient evidence

against the Applicant in the form of statement of the witnesses. The victim executing affidavit is minor, which is contrary to the statements of victim recorded during the course of investigation and her mother is no ground to consider this Application for Anticipatory Bail. FIR was lodged on 24th May, 2018. The provisions of Section 376 of IPC as well as Sections 4 and 8 of POCSO Act were invoked on the basis of the complaint of victim. Taking into consideration the aforesaid circumstances, no case for Anticipatory Bail is made out. Anticipatory Bail Application is rejected.

(PRAKASH D. NAIK, J.)