

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

CRIMINAL BAIL APPLICATION NO.3013 OF 2018

Premnath Narsing Katkar	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.Satyvrat Joshi, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.
- PSI Sandeep Chavan, Shivajinagar Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th JULY, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.83/16 registered with Shivajinagar Police Station, Pune, under section 376 of the Indian Penal Code and under sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

2. The FIR is lodged by mother of the victim. It is mentioned in the FIR that in December 2015, the informant came to know through medical examination of her 16 years old

daughter that the daughter was pregnant. On enquiries with the victim, the mother came to know that the present Applicant had developed physical relationship with the victim on the promise of marrying her. However, after the victim became pregnant he disappeared. The victim delivered a baby boy on 20/03/2016 and thereafter the FIR was registered on 28/03/2016 u/s 376 of the IPC and u/s 4, 8 and 12 of the POCSO Act.

3. The investigation is over and charge-sheet is already filed. The charge-sheet contains the statement of the victim recorded u/s 164 of Cr.P.C. In her statement, the victim has stated that the Applicant contacted the victim and told her that he would marry her and on that pretext developed physical relationship, due to which she became pregnant. When the victim told the Applicant about her pregnancy he denied his connection and had just disappeared. Therefore poor victim was left with no option but to inform her family. Thereafter she gave birth to her child.

4. Heard learned Counsel Mr.Satyvrat Joshi for the Applicant and learned APP Mr.Prashant Jadhav for the State.
5. Mr.Joshi submitted that there was love affair between the Applicant and the victim, but there was no physical relations. He further submitted that the Applicant was vehemently denying his involvement in the offence.
6. On the other hand, learned APP submitted that the DNA reports show that the Applicant himself is the father of the child. Therefore at this stage, there is sufficient material to connect the present Applicant with the crime. The conduct of the Applicant does not deserve any leniency. He came to be arrested much later only on 27/11/2017. He has not even accepted his responsibility. Even today, he is denying his connection with the victim. In this view of the matter, the Applicant deserves no sympathy. The application is therefore rejected.

(SARANG V. KOTWAL, J.)