

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

CRIMINAL BAIL APPLICATION NO. 3361 OF 2018

Samadhan Kashinath Borkar ... Applicant

Versus

The State of Maharashtra ... Respondent

Ms. Avanti Inamdar I/by Rameshwar N. Gite for Applicant.

Ms. S. S. Kaushik, APP for Respondent – State.

Mr. Vishwas Abaji Bhabad, PSI, Salgar Basti Police Station, Solapur present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 14, 2019.

P.C. :

. In Crime No. 228 of 2018 for an offence punishable under Section 376 (3) of Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 Applicant is seeking regular bail. The Applicant came to be arrested on September 7, 2018 and was accordingly chargesheeted.

2. The learned Counsel for the Applicant submits that considering the nature of allegations against the Applicant, after the

investigation is completed chargesheet is filed, the custodial detention of the Applicant is not warranted.

3. The learned Counsel for Applicant would also draw attention of this Court to the supplementary statement of the victim girl recorded on September 8, 2018, wherein she has stated about the involvement of co-accused in the crime in question. According to the learned Counsel, the DNA Report speaks of the Accused No.2 being biological father and as such the Applicant is entitled to be released on bail.

4. *Per contra*, the learned APP opposed the claim based on the material available on record.

5. If the supplementary statement dated September 8, 2018 and the DNA Report is appreciated, what is noticed is, the claim of the complainant was consistent as regards the involvement of the Applicant in the crime in question. Rather the Applicant herein has accepted his role as is apparent from the investigation papers, particularly the settlement arrived at between the parties from which date the Applicant remained absconding till his arrest.

6. In the aforesaid background, I hardly noticed any material to convince this Court to grant Application for releasing the Applicant on bail. As such, the Criminal Bail Application fails. Hence rejected.

(NITIN W. SAMBRE, J.)