

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

CRIMINAL BAIL APPLICATION NO. 3578 OF 2019

Balu Shrimant Nanaware ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Rohan Hogle i/b.Mr. Rupesh A. Zade, Advocates for the Applicant.

Ms. A. A. Takalkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th DECEMBER, 2020.

PER COURT:

1. This is an application for bail in connection with C.R. No. 452 of 2018 registered with Indapur Police Station, Pune Gramin for the offences punishable under Sections 363, 376 of Indian Penal Code, 1860 (“IPC” for short) and Sections 6 and 10 of Protection of Children from Sexual Offences Act, 2012 (“POCSO Act” for short).

2. The victim is a girl aged about 13 years. Accused is related to her as maternal uncle. He was aged around 31 years. The victim was allegedly kidnapped by the applicant and she was sexually assaulted.

3. Learned Advocate for the applicant submitted that there

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are discrepancies in the evidence. There is no material to show that the victim was kidnapped by the applicant and that she was taken to various places. There are contradictions in the statement of witnesses.

4. Learned APP submitted that the offence is of serious nature. Victim was minor. The version of the victim cannot be brushed aside, she was attributed specific role of applicant.

5. On perusal of the statement of the victim and other material on record, I find that there is sufficient evidence on record to prima-facie show the involvement of the applicant in the crime. Victim has stated that she was forcibly sexually assaulted by the applicant. She was 13 year old at the time of incident. The accused who is much older than victim is her relative. Considering the material on record, no case for grant of bail is made out.

6. Hence I pass following order.

ORDER

1. Bail Application No. 3578 of 2019, is rejected;
2. The observation made in this order are only for considering the application for bail. Trial Court shall not be influenced by the same at the time of trial;

3. Bail Application stands disposed of accordingly;
4. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)