

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

CRIMINAL BAIL APPLICATION NO. 1082 OF 2020

Dinesh Vithal Dafale

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Vilasini Balasubramanian a/w. Jaydeep Mane for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.87 of 2020 registered with Mandrup police station, Solapur, on 09/04/2020, under sections 377 and 506 of the Indian Penal Code (for short 'IPC') and under sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant is arrested on 10/04/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Ms. Vilasini Balasubramanian, learned counsel

for the applicant and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by the mother of the victim boy. The victim was 14 years of age. On 08/04/2020, the first informant herself saw that, at around 11:00p.m., the accused was having unnatural sex with the victim. The informant shouted and, therefore, the accused pushed the victim out of his house and closed the door. The informant told this incident to neighbours and thereafter this F.I.R. is lodged. The first informant had asked the victim about the incident whereupon the victim had given details as to how the accused had threatened him.

4. During the course of investigation statement of the victim under section 164 of the Cr.p.c. was also recorded, wherein he has corroborated the incident mentioned in the F.I.R.

5. Learned counsel for the applicant submitted that the offence would not be covered under section 377 of the IPC. The story is false and the applicant is falsely implicated.

6. Learned APP opposed this application.

7. The statement of the informant shows that, she was an

accidental eye witness to the incident. The victim himself has given description of the incident. The offence is very serious. The offence falls within the definitions of sections applied in this case. Considering the gravity of the offence and age of the victim, bail cannot be granted to the present applicant.

8. Application is rejected.

(SARANG V. KOTWAL, J.)