

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

CRIMINAL BAIL APPLICATION NO.11 OF 2021

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Babu Govind Sakat

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Ranjeet Pawar for the Applicant.

Ms P.N. Dabholkar, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 31st AUGUST, 2021.

P.C.:-

This is the second bail application filed by the Applicant, who is facing trial in Sessions Case No.114 of 2018 pending before Additional Sessions Judge, Baramati, District-Pune.

2. The crime against the Applicant was registered pursuant to the FIR lodged by the prosecutrix, who is a married lady of 20 years of age. She had alleged that on 02/05/2018 while she had gone to fill water, the Applicant offered her Thumsup. She claims that she felt dizzy upon drinking the Thumsup and that the Applicant took her to a nearby nursery and committed rape on her. She remained in the nursery till the next morning till her husband and sister came to the scene of occurrence and took her home. She lodged complaint against

the Applicant on 03/05/2018 for committing rape.

3. While dismissing the previous bail application, this Court has recorded that statement of the prosecutrix prima facie shows involvement of the Applicant in commission of the crime. The medical records also indicate that the prosecutrix had sustained injuries on her cheek and had swelling near the left ear. It was therefore observed that there are reasons to believe that the Applicant was involved in committing an offence of rape.

4. The previous bail application having been dismissed on merits, second bail application can be entertained only on change of circumstance. The only change in circumstance pointed out by learned counsel for the Applicant is that the Applicant is in custody since last three and half years. Suffice it to say that the mere fact that the Applicant is in custody cannot be construed as change in circumstance, as to entitle him for bail.

5. The offence is of serious nature. It has been observed in the previous order that the prosecutrix, the witnesses as well as the Applicant are the residents of the same locality and there is every possibility of the Applicant pressurising the first informant and

witnesses, if released on bail. Considering the nature of accusations against the Applicant and the nature of evidence, in my considered view this is not a fit case for grant of bail. Hence, the application is dismissed.

6. Learned counsel for the Applicant states that the charge has already been framed and that the charge sheet discloses names of 15 witnesses. Considering the fact that the Applicant is in custody since 2018, learned Sessions Judge is requested to make an endeavour to dispose of the case as expeditiously as possible and in any event within a period of 18 months from the date of receipt of copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)