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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1295 OF 2020**

Ajit Sureshchandra Pathak

....Applicant.

V/s

The State of Maharashtra

.....Respondent

Mr. Mahesh Waswani with Ms. Sumangala Yadav for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent/State.

Mr. Ashish Satpute for the Intervener.

API Mr. Shivkumar Gaikwad, Mira Road Police Station, present.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 05, 2021

P.C.:-

1] Applicant is seeking regular bail in Crime No. 299 of 2018 registered with Mira Road Police Station for the offence punishable under Sections 376(i)(d), 376(DA), 328 of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act, 2012.

2] In the statement of victim reported under Section 164 of Cr.P.C., she has specifically named the Applicant who has played an active role in commission of crime of rape. It can be established from the record that on the date of the incident, victim was a minor. Applicant took lead in introducing victim girl to other friends. Even if other similarly placed co-accused are released on bail, parity cannot be inferred from the record, particularly in the backdrop of the role attributed to the Applicant in commission of crime, which is some what different from

other co-accused persons.

3] In addition to the contention about delay in filing FIR and not specifically naming the Applicant in FIR, though Applicant was known to the victim, point of delay in conducting trial is also pressed.

4] In my opinion, considering pandemic situation, it cannot be considered that there is delay in conducting trial.

5] As far as issue of delay in filing FIR and not mentioning name of the Applicant in FIR is concerned, there is sufficient explanation furnished in the FIR by the father of the victim who is residing out of India.

6] No case for bail is made out. Application stands rejected.

(NITIN W. SAMBRE, J.)