

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

BAIL APPLICATION NO.2610 OF 2021

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2021.10.22
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Gautam Pandurang Kane Applicant

Vs.

The State of Maharashtra Respondent

Mr. Dushyant S. Pagare for Applicant.
Mrs Rutuja Ambekar, APP for State.

**Coram : NITIN W. SAMBRE, J.
Date : 21ST OCTOBER, 2021**

P.C.:

1. The applicant is seeking regular bail in Crime No. 481 of 2020, registered with Kalyan Taluka Police Station, for an offence punishable under Sections 376(D), 452, 323 and 506 of Indian Penal Code. The applicants came to be charge-sheeted.

2. The prosecution case is, the applicants committed an offence punishable under Section 376 (D) on 28th November, 2020. Accordingly, victim has lodged a complaint.

3. The submissions of learned counsel for the applicant are, apart from delay of about four days in lodging F.I.R., the statement recorded under Section 164 of Cr.P.C. is at variance with the contents in F.I.R.. It is claimed that the applicants are falsely implicated.

4. Learned APP opposed the prayer.

5. Considered submissions.

6. The delay of about four days in lodging the F.I.R. is properly explained by the victim. Apart from above, it is claimed that she has narrated the incident to her mother, can also be corroborated.

7. The minor variance in Section 161 Cr.P.C. statement and also in Section 164 Cr.P.C. statement is required to be overlooked at this stage of the proceedings.

8. Since there is sufficient material on record, which demonstrates prima facie involvement of the applicant in the crime in

question, no case is made out for grant of bail. The application as such stands rejected.

(NITIN W. SAMBRE, J.)