

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

CRIMINAL BAIL APPLICATION NO. 788 OF 2021

Bheru @ Bhairav Shambhu Singh Applicant
Versus
The State of Maharashtra Respondent

Mr. A. D. Sinha for Applicant.
Mr. Makarand G. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.149 of 2019 registered at RCF police station, Mumbai, on 21/06/2019, under sections 376-D (a),(n), 363 and 506 of the Indian Penal Code (for short 'IPC') and under section 6 of the Protection of Children from Sexual Offences Act.
2. Heard Shri. Sinha, learned counsel for the applicant and Shri. Makarand Patil, learned APP for the State.
3. The prosecution case is that the victim was having close friendship with the applicant's friend Devendra. On

20/06/2019 she left her house with Devendra. In the meantime, she was kept in a godown and the applicant took advantage of the situation and committed rape on her. The applicant was arrested on 25/06/2019 and since then he is in custody. The investigation is over and the charge-sheet is filed.

4. Learned counsel for the applicant submitted that, there is no direct evidence in this case. The applicant is falsely implicated. There was other co-accused who is already released on bail and, therefore, on the principle of parity the applicant deserves to be released on bail. There is no medical certification supporting the case of the prosecution.

5. Learned APP opposed this application and heavily relied on the statement of the victim recorded under section 164 of Cr.p.c.

6. I have considered these submissions. The victim's statement under section 164 of Cr.p.c. is clear enough. She has stated that, she had left her house with the applicant and his co-accused. She was kept in a godown for two days. The co-accused was accompanied by the applicant on most of the occasions and on

one occasion when co-accused was not there, the applicant committed forcible rape against her wish.

7. In view of the clear statement of the prosecutrix, it is very much clear that the applicant had taken wrong advantage of the situation. The victim was barely 15 years of age. The offence is very serious. No case for grant of bail is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)