

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

**INTERIM APPLICATION NO.1892 OF 2022
IN
CRIMINAL APPEAL NO.669 OF 2022**

Bhushanraj Durkellu Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Ashok Kumar Dubey i/b. Savj Law Solutions, Advocate for Applicant.
- Mr. Yogesh Y. Dabke, APP for the State/Respondent.
- Mr. Prasad B. Kulkarni (Appointed Advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 20th SEPTEMBER, 2022**

P.C. :

1. This is an application for bail during pendency and final disposal of the Appellant's Appeal before this Court. Vide Judgment and Order dated 11/03/2022 passed in Special Case No.249 of 2019, passed by the Additional Sessions Judge, Pune, the Applicant was convicted for commission of offence punishable u/s 354, 354-A, 377, 506 of the Indian Penal Code

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and u/s 3, 7 and 5(m) r/w 6 of the Protection of Children from Sexual Offences Act, 2012. The major punishment imposed on him is for 20 years besides fine of Rs.10,000/-.

2. Learned counsel for Applicant submitted that there was CCTV footage at the spot, where the incident allegedly had taken place, but no CCTV footage is produced. He submitted that the medical evidence does not show any injury. There is no corroboration to the victim's deposition. The allegations are made much belatedly and therefore the Applicant be granted bail. The Applicant has two small children.

3. Learned counsel for the Respondent No.2 as well as learned APP opposed this application.

4. I have considered these submissions. I have perused the evidence of the victim, who is examined as P.W.2. She has narrated the incident. Her date of birth is 29/03/2009. The complaint was made in the year 2019. She has deposed that

since she was in second standard, the Applicant committed this offence on her. Ultimately when she was in 4th standard, the accused's acts became unbearable, she informed about this to her mother. Then the complaint was lodged and the investigation was carried out. Though the doctor did not find injuries, in the final opinion it was mentioned that possibility of anal penetration could not be ruled out. Similarly, possibility of vaginal penetration also could not be ruled out.

5. Thus, the prosecution has led serious evidence against the Applicant. All these issues will have to be tested during the final hearing stage. The Applicant has however not made out the case for his release on bail based on this material. The Application for bail therefore is rejected. The Appeal is expedited.

(SARANG V. KOTWAL, J.)