

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

**INTERIM APPLICATION NO.1925 OF 2022
IN
CRIMINAL APPEAL NO.112 OF 2022**

Yogesh Prakash Bhole Applicant
versus
State of Maharashtra Respondent

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- Mr. Shailesh A. Chavan, Advocate for Applicant.
- Smt. J. S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 15th SEPTEMBER, 2022**

P.C. :

1. This is an application for bail during pendency and final disposal of the Criminal Appeal No.112 of 2022. The Appeal is already admitted. The Applicant was tried before the Additional Sessions Judge and D.J.-1, Islampur, in Sessions Case No.20 of 2019. The Applicant was convicted for the offence punishable u/s 376(2)(f) and 506 of the Indian Penal Code. The maximum punishment was of 10 years besides imposition of fine.

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2. Heard Mr. Shailesh A. Chavan, learned counsel for the Applicant and Smt. J. S. Lohokare, learned APP for the State.
3. Learned counsel for the Applicant submitted that the Applicant is in custody for more than 4 years. The incident is not proved. There are important contradictions between the victim's deposition and statement u/s 164 of Cr.PC. and also in her FIR and therefore bail should be granted to the Applicant.
4. Learned APP opposed this application. She submitted that the offence is serious and the victim has consistently deposed about the offence.
5. I have perused the deposition of the victim. She is examined as PW.1. She has narrated the incident dated 01/01/2018. When she was alone in the house, the Applicant came to her house. He was her husband's cousin. He asked for some snacks. She gave him food. After that, when nobody was in the house, he committed rape on the victim. In the evening when her mother-in-law returned, she narrated the incident to her. Since the Applicant was closely related, she told the victim

not to tell this fact to anybody else. But on the next day, since she was not feeling well and she was bleeding, her husband took her to hospital. On the next day, she went to her parent's house. She informed the incident to her mother and sister and with their support, she gave her FIR.

6. The doctor who is examined as Defence Witness No.1 has also stated that on 02/11/2018 the victim had come to his dispensary as she was suffering from Epigastric pains. This actually supports the victim's narration. The contradictions between statement u/s 164 of Cr.PC., did not appear to be very material. In any case that would be a matter of appreciation at the final hearing stage. For consideration of bail, all these minor points in the Applicant's favour will not help him.

7. The Applicant has not made out the case for his bail. Hence the application is rejected. The Appeal is expedited.

(SARANG V. KOTWAL, J.)