

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

**INTERIM APPLICATION NO. 2913 OF 2022
IN
CRIMINAL APPEAL NO. 878 OF 2022**

Vilas Bapurao Salunke ..Appellant
Versus
State of Maharashtra & Anr. ..Respondents

Mr. Veerdhaval Kakade for Appellant.
Mr. S. R. Agarkar, APP for State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th OCTOBER 2022**

PC :

1. The Applicant was convicted for commission of offences punishable U/s.376(2)(f)(n) of the I.P.C. and U/s.5(l)(n) punishable U/s.6 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act'). He was also convicted for commission of offence punishable U/s.506 of I.P.C. The major punishment imposed on him was for 15 years of Rigorous imprisonment, besides imposition of fine.

2. Learned counsel for the applicant submitted that the applicant is falsely implicated. The applicant was aware of the

victim's affair with another boy and, therefore, the victim has deliberately and falsely implicated the applicant and has protected the real offender. He further submitted that the DNA report is inconclusive and, therefore, except victim's deposition there is no other evidence against the applicant.

3. Learned APP opposed this application. He submitted that the offence is serious. The applicant is acquitted of commission of offence U/s.5(j)(ii) punishable U/s. 6 of POCSO Act only because the DNA report was inconclusive. He submitted that the victim was pregnant. This fact is proved and she has named the applicant as the offender. Her deposition also shows that she was threatened. The applicant was her distant relative, therefore, the offence is serious.

4. I have considered these submissions and I have also perused the deposition of the victim. At this stage, for consideration of bail, there is no reason to doubt the narration given by the victim in this case. The offence is serious. The victim was pregnant and she has described the role of the applicant

causing this pregnancy. She has also narrated that the applicant had threatened her. The evidence shows that, at the time of incident she was around 16 years of age, because her date of birth was 18/05/2002 as deposed by her. The incident took place in the year 2018. The F.I.R. was lodged on 12/04/2019; by that time she was already pregnant.

5. Considering all these aspects, no case for grant of bail is made out. The Application is rejected.

(SARANG V. KOTWAL, J.)