

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

CRIMINAL APPEAL NO. 955 OF 2021

Karan Shivaji Walunj

...Appellant

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Satyavrat Joshi i/b. Mr.Nitesh Mohite for the Appellant.

Mr. V.B.Konde-Deshmukh, APP for the Respondent -State.

Ms. Gauri Velankar for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
V.G.BISHT, JJ.**

DATE : 13TH JUNE, 2022

P.C.:

1. Heard learned Counsel for the parties.
2. By this appeal, the appellant seeks his enlargement on bail in connection with C.R. No. 578 of 2020, registered with the Junnar Police Station, District – Pune, for the alleged offences punishable under Sections 376 (D) and 506 read with 34 of the Indian Penal Code ('I.P.C.');
- under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('P.O.C.S.O.');
- and under Sections 3 (2) (v), 3 (2) (va), 3 (1) (w) (i) (ii) and 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ('SCST Act').

3. Perused the papers, in particularly, the statement of the prosecutrix, aged 17 years 2 months. The prosecutrix in her statement dated 29th December, 2020 has stated that the incident had taken place on 20th December, 2020 at about 11.30 a.m., when she and her sister had gone to the tailor's shop. She has stated that while they were returning home, the appellant alongwith another co-accused were following them and when they reached near the Mahar Maal, co-accused No.1 Saurav caught hold of the prosecutrix's hand and dragged her in the jawar field; that the appellant and co-accused No.1 Saurav undressed her and committed rape on her one after another; and that co-accused No.3 Aditya took her nude photographs in his mobile. She has stated that because of the threats given by the accused, she did not disclose the said incident to anyone, on going home.

4. The prosecutrix has further stated that she disclosed the incident to her mother on 28th December, 2020, pursuant to which the complaint was lodged. Pursuant to FIR, the prosecutrix was sent for her medical examination. The history given by the prosecutrix and her mother to the Doctor, is consistent with the contents of the FIR. The medical case papers also show that the prosecutrix was sexually assaulted.

5. Considering the aforesaid, this is not a fit case to grant bail to the appellant. Hence, the appeal is rejected.

6. Needless to say, the observations made herein are *prima facie*, for the purpose of deciding this appeal and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

V.G.BISHT, J.

REVATI MOHITE DERE, J.