

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.413 OF 2022

Komal Madhav Gadpayale .Vs. State of Maharashtra, through P.S.O., P.S. Imamwada,
Nagpur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B.R. Shende, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 05/08/2022

1. The applicant is seeking bail in Crime No.565 of 2021, registered with Police Station Imamwada, District: Nagpur, for the offences punishable under Sections 376 (A) (B) and 376(2)(L) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Shende, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence out of rivalry.

3. He submits that a quarrel had taken place between the mother of the applicant and the mother of the victim, in which the mother of the victim threatened that she would implicate the family of the applicant in a false case. It is submitted that the present First Information Report (FIR) is the result of the same.

4. It is submitted that after completion of investigation, charge-sheet has been filed and as the custody of the applicant is no more required, he may release on bail.

5. On the other hand, Shri Mirza, learned APP strongly opposes the present application and submits that the victim is a 8 years old girl and considering the nature and seriousness of offence, this Court may not grant bail to the applicant.

6. It is further submitted that there is every possibility that if the applicant is released on bail, he may pressurize the prosecution witnesses. Accordingly, he prays for rejection of the present application.

7. I have perused the Charge-sheet and the FIR.

8. The age of the victim is 8 years.

9. The offence was registered under Sections 376 (A)(B) and 376(2)(L) of the IPC and Sections 4 and 6 of the POCSO, Act. The offence is very serious and considering the statement of the victim under Section 164 of the Code of Criminal Procedure, I am of the opinion that as there is sufficient incriminating material is available against the applicant and further looking at the severity of punishment which conviction will entail, I am not inclined to grant bail to the applicant. Accordingly, I pass the following order:

The criminal application is **rejected**.