

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

Criminal Application (BA) No. 668 of 2022

Pranay S/o Shantaram Pal

Versus

The State of Maharashtra, through its Police Station Officer,
Police Station Samudrapur, Dist. Wardha 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 Tejas Deshpande, Advocate and Shri Alpesh
Deshmukh, Advocate for the applicant.

Shri Ashish Kadukar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 4th August, 2022.

This is a second application moved by the applicant for grant of regular bail to the present crime No.307 of 2021 registered with Police Station Samdurapur, Dist. Wardha for the offence punishable under Sections 376, 376(2)(n) of Indian Penal Code and Sections 4, 6, 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The first application was rejected by this Court on 14th January, 2022. This Court while rejecting the first application has recorded the reasons in detailed and on merit the application was rejected.

3. Learned counsel for the applicant submits that successive application can be moved an additional

material or change in circumstances. He fairly states that there is no change in circumstance after rejection of first application. However, the applicant came across additional material which was not pointed out at the time of arguing the first bail application.

4. He submits that additional material is some Whatsapp messages exchanged between the applicant and the victim which shows that there was a love affair between the victim and the complainant. Learned counsel for the applicant therefore submits that while rejecting the first application, this Court has observed that there is nothing to show that the victim was having long standing love affairs with the applicant. In the said backdrop, the learned counsel for the applicant submits that this Court may consider this additional material which is sufficient to show that there was a love affair between the applicant and the victim.

5. On the other hand, learned Additional Public Prosecutor has strongly opposed the application and submits that even if the said findings recorded by this Court regarding there was no love affair, while rejecting first application is ignored, this Court has given further reasons for rejecting the application. Thus, he submits that additional material is of no use for re-considering the prayer of the application for grant

of bail. Accordingly, he prays for rejection of the present application on the ground that there are no change in circumstances.

6. I have perused the additional material i.e. Whatsapp messages filed by the applicant and the order of this Court dated 14th January, 2022 rejecting the application of the applicant for grant of bail.

7. This Court while rejecting the first application has observed that DNA report in this case has opined that the applicant is a biological father of the child. The evidence collected by the Investigating Officer shows that victim was minor at the relevant time.

8. Thus, considering the fact that victim was minor at the relevant time and as the DNA report supports the case of the prosecution, I do not find any reason to grant bail to the applicant. Accordingly, I pass the following order.

i. Criminal application is rejected.

[ANIL S. KILOR, J.]

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SACHINDANAND
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