

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

**INTERIM APPLICATION NO. 590 OF 2023
IN
CRIMINAL APPEAL (ST) NO. 18613 OF 2022**

Swapnil Ravindra Khobe ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Avinash D. Kango (Appointed Advocate) for Applicant.
Smt. M. R. Tidke, APP for State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 14 FEBRUARY 2023**

PC :

1. This is an application for bail pending final disposal of the applicant's appeal. The applicant has challenged the Judgment and order dated 21/05/2022 passed by learned Special Judge under POCSO Act, Pune, in Special Case No.370 of 2019. The Applicant was convicted for commission of offence punishable U/s.376 of the I.P.C. and was sentenced to suffer R.I. for 10 years and to pay a fine of Rs.5000/- and in default of payment of fine to suffer R.I. for six months. He was also convicted for commission of offence punishable U/s.323 of the I.P.C. and was sentenced to

suffer R.I. for one year and to pay a fine of Rs.1000/- and in default of payment of fine to suffer S.I. for one month. The applicant was acquitted from the offence punishable U/s.3 r/w. 4 of the Protection of Children from Sexual Offences Act.

2. The prosecution case is that, the prosecutrix was travelling in a train alone. She had left her house because of a quarrel with her parents. On 03/06/2019, in the night, she reached Pune railway station. The applicant took advantage of her situation and committed rape on her. The discussion in the Judgment shows that there are following circumstances against him:

- i) The evidence of the prosecutrix herself.
- ii) The applicant's identification in the test identification parade.
- iii) The D.N.A. report showing that the applicant's D.N.A. profile matched with the semen stains found on the clothes of the prosecutrix.

3. All these circumstances are strong enough against the Applicant. At this stage, there is strong evidence against the

applicant. No case for grant of bail is made out, though the applicant is in custody since 2019.

4. The application is rejected.

(SARANG V. KOTWAL, J.)