

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2408 OF 2022

Rakeshkumar Choudhary ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Gurpreet Singh for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.
Ms. Devyani Kulkarni for the complainant.

.....

CORAM : N.R. BORKAR, J.

DATED : 28 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 235 of 2021 registered at Vishrantwadi Police Station, Pune for the offences punishable under Sections 376(2)(n), 506 of Indian Penal Code, Sections 3, 4, 5(l), 5(j)(ii), 6 of the Protection of Children from Sexual Offences Act, 2012.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The allegations against the applicant are of forcible sexual intercourse with the victim, on various occasions.

5. The learned Counsel for the applicant submits that material in charge-sheet is not sufficient to hold that victim was minor. It is further submitted that the applicant is in jail for more than one year and the trial is not likely to conclude in near future. It is submitted that considering the facts and circumstances, the applicant may be released on bail.

6. On the other hand, the learned APP submits that at the relevant time, the victim was about 14 years old. It is submitted that DNA report is also positive.

7. I have perused the charge-sheet. Prima facie, the learned APP is justified in his submission that at the relevant time the victim was aged about 14 years old. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is rejected.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2023.03.13
14:23:41 +0530