

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3219 OF 2022

Pravin Dattatray Gharat ... Applicant

Versus

The State of Maharashtra and another ... Respondents

.....

Ms. Neelam Yadav for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Ms. Megha Bajoria for the Respondent No.2.

.....

CORAM : N.R. BORKAR, J.

DATED : 6 APRIL 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. 365 of 2022 registered at Panvel City Police Station, for the offences punishable under Section 376(3) of Indian Penal Code and Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 Act.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for Respondent No.2.

4. The allegation against the present applicant are of rape/penetrative sexual assault.

5. The learned Counsel for the applicant submits that there is a delay in lodging the FIR. It is further submitted that the allegations are false.

6. The present applicant however, during his medical examination has stated that the alleged act of sexual intercourse with the victim was consensual. Whether it was consensual or otherwise, is the matter of trial. Apart from it, the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that it was forcible act. Even otherwise, on the date of alleged incident the victim was 16 years. The applicant appears to be married person aged about 32 years. Considering the overall facts and circumstances, 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:
2023.04.15
17:53:10 +0530