

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

**INTERIM APPLICATION NO.1865 OF 2023
IN
CRIMINAL APPEAL NO.583 OF 2023**

Nilesh Devji GuravApplicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Rakesh Bhatkar, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the Respondent No.1-State.
Mr. Pawan Mali, Advocate (appointed) for the Respondent
No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th JULY, 2024

P.C. :

1. The Applicant is seeking bail pending his Appeal.
The Applicant was accused in Special Case No.31/2021
before the Additional Sessions Judge, Ratnagiri. The learned
Judge vide his judgment and order dated 31.3.2023
convicted the Applicant for commission of the offences
punishable under Section 376(3), 506 of IPC, Section 3 read
with Section 4, Section 7 read with Section 8, Section 11
read with Section 12 of the Protection of Children From

Sexual Offences Act, 2012 (for short, 'POCSO Act'). He was sentenced to suffer R.I. for 20 years and to pay a fine of Rs.5,000/- and in default to suffer SI for six months for offences punishable under Section 376(3) of IPC, as a major punishment besides imposition of other sentences for other offences. Same sentence was imposed under Section 3 of the POCSO Act.

2. Learned counsel for the Applicant submitted that there is no evidence that the victim had delivered a child. The mother has not said anything about it. The Medical Officer, who had examined the victim, had not spoken about her pregnancy.

3. Learned APP as well as learned counsel for the Respondent No.2 opposed these submissions. They relied on the DNA report which shows that the Applicant was the biological father of the child delivered by the victim.

4. I have considered these submissions. The victim was examined as PW-1. She has stated that her date of

birth was 28.3.2007. She delivered a child in August, 2021. Therefore, she was around fourteen years of age at the time of delivery of her child. According to the victim (PW-1), the Applicant who was a neighbour established forcible physical relations with her in 2021. Since November, 2020 to January, 2021 they had kept physical relations against her wish for about 4 to 5 times resulting in her pregnancy. The DNA report shows that the victim and the Applicant were the biological parents of the child delivered by the victim. There is sufficiently strong material against the present Applicant.

5. Considering the seriousness of the offence and the strong material against the Applicant, no case for grant of bail is made out. The Application is rejected.

PRADIPKUMAR
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(SARANG V. KOTWAL, J.)