

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3760 OF 2023

Mahesh Sanjay Patil ... Applicant

V/s.

The State of Maharashtra & Anr ... Respondents

Mr. Satyavrat Joshi I.by Ashish S. Vernekar, for the Applicant.

Mr. Pandurang H. Gaikwad-Patil, APP, for the Respondent/State.

Mr. Somnath Thengal, for intervenor.

CORAM : ANIL S. KILOR, J.

DATE : 24TH JUNE, 2024.

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1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.101 of 2023, registered with Shahupuri Police Station for the offences punishable under Sections 376, 354 and 506 of the Indian Penal Code, 1860 (for short, 'IPC'), Sections 4, 8 and 12 of the Protection of Children from of Sexual Offences, Act, 2012 and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2), 3(v) of the Scheduled Castes and the Scheduled extent and Tribes (Prevention of Atrocities) Act, 1989, (for short, 'SC & ST', Act).

3. The learned counsel for the applicant submits that the

applicant has been falsely implicated in the alleged offence. Whereas, he is not involved in the said offence. He further submits that as the charge-sheet has been filed further custody of the applicant is not necessary. He lastly argued that that considering the period of incarceration of the applicant, he may be released on bail.

4. The learned APP strongly opposed the application and submits that the offence is very serious. The learned APP points out that the victim was 10 years old on the date of incident. Whereas, the applicant was more than 30 years old. It is submitted that the IO has collected sufficient evidence to *prima facie* show that the applicant is involved in the alleged offence.

5. Having considered the rival submissions and gone through the charge-sheet, it is evident that the victim on the date of the incident was 10 years, whereas, the age of the applicant was more than 30 years. The victim in her 164 statement narrated the complete story which sufficiently shows *prima facie* involvement of the applicant in such a serious and heinous offence.

6. In the circumstances, as there is every possibility that if the applicant is released on bail he may pressurize the victim and tamper with the prosecution evidence, even if the charge-sheet is filed, I am of the opinion that, the applicant is not entitled for grant of bail. Accordingly, the application is rejected.

(ANIL S. KILOR, J)