

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

CRIMINAL BAIL APPLICATION NO.3637 OF 2023

Asif Farid Khan

...Applicant

Versus

The State Of Maharashtra & Anr.

...Respondents

Mr. R. S. Datar i/by Rahul Oak, for the Applicant.

Mrs. P. P. Bhosle, APP for the Respondent/State.

Mr. Arsh Mishra, Appointed Advocate for the Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 23rd SEPTEMBER, 2024

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1. Heard Mr. R. S. Datar, learned arguing counsel for the Applicant.

2. The Applicant is seeking regular bail in Crime No.28 of 2023 registered at Guhaghar Police Station for the offence punishable under Sections 376, 376(2)(n), 506 of the IPC and Sections 4, 8 and 12 of the POCSO Act.

3. Mr. R. S. Datar, learned counsel for the Applicant has invited my attention from the charge-sheet, so also, claim that there was consensual relationship and the victim was about 17 years of age on the date of registration of the offence. According to Mr. R. S. Datar, even if the victim is blessed with a child, the fact remains that

the Applicant can be put to stringent conditions, particularly, in view of the consensual relationship.

4. As against above, not only the counsel for the complainant/victim, but also, learned APP would strenuously opposed the prayer based on the *prima-facie* involvement of the Applicant in the crime.

5. The fact remains that the victim is informed to be blessed with a child and the DNA matches with that of the Applicant. The aforesaid strict proof of evidence, in my opinion, sufficient enough to infer *prima-facie* involvement of the Applicant in the offence punishable under Sections 4, 8 and 12 of the POCSO Act. That being so, no case for bail is made out.

6. The Application as such stands rejected.

7. Liberty to apply for expeditious disposal of the trial.

[NITIN W. SAMBRE, J.]