

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3812 OF 2023****IN****CRIMINAL APPEAL NO. 273 OF 2023**

Bhikan Nazir Pinjari

.....Applicant

Vs.

State Of Maharashtra

.....Respondent

Mr. Nitesh S. Nevshe, appointed Advocate for the Applicant.

Mr. S.V. Gavand APP, for the Respondent-State.

Adv. Lakshmi Raman, appointed Advocate for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 10th JANUARY, 2024.****P.C.:-**

1) Record *prima facie* indicates that, the victim aged about 6 years on the date of alleged offence, was found bundled in a mattress and the said bed roll was concealed below the cot in the house of the Applicant. The door of the said room was locked from outside. After PW No.1 i.e. the father of the minor victim and other persons broke open the said door, they noticed the aforesaid fact. The victim was found unconscious. He was immediately taken to Government Hospital at Pimpalgaon Baswant, however, the doctors therein advised PW No.1 to took his son to Civil Hospital, Nashik. At Civil Hospital, Nashik the victim was declared brought dead.

2) The motive as can be gathered from the record is that, on the earlier date of incident between 5.00 p.m. to 6.00 p.m., PW No.1, father of deceased had noticed the Applicant touching the private part of the victim by inserting his hand in his pant. The probability of victim being smothered by the Applicant after the victim resisted his sexual assault, at this stage cannot be ruled out. According to us, the offence alleged against the Applicant is heinous in nature. *Prima facie* there is sufficient material to indict the Applicant in present crime.

3) In view of the above, we are not inclined to release the Applicant on bail during the pendency of present Appeal.

4) Application is accordingly rejected.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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