

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.192 OF 2024

Prem Rajbhar Rajparikh and Anr. ... Applicants

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Satyavrat Joshi I.by Ms. Disha Rathod, for the applicant.

Mr. Gopal Parab, for respondent no. 2.

Mr. Sameer M. Mangaonkar, APP, for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATE : 28TH JUNE, 2024.

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PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.0886 of 2023, registered with Wakad Police Station, Pune for the offences punishable under Sections 376, 376(2) (n), 376 (3) of the Indian Penal Code (for short, 'IPC') and sections 3, 4, 5(I), 5(j) (2) and 6 of the Protection of Children from Sexual Offences Act (for short, 'POCSO').

3. The allegations against the applicants are that they have sexually assaulted the victim who is a minor.

4. The learned counsel for the applicants submits that the applicants are the close friends of the main accused, who repeatedly committed sexual intercourse with the victim and only for the reason that the applicant is the friend of main accused, they have been roped into the alleged offence.

5. It is pointed out that in the first statement recorded on 5th September 2023 by the police, the applicants were not named but their names were disclosed subsequently. It is further submitted that as the investigation is completed and the charge-sheet has been filed, further custody of the applicants is not necessary. Accordingly, it is prayed that the applicants may be released on bail.

6. On the other hand, the learned APP, strongly opposed the application and points out that the evidence available on record shows the involvement of the applicants in the alleged offence. It is pointed out that after recording the first statement on 5th September 2023, when the victim was taken for medical examination, on the same day, while disclosing the history to the doctor, she named the applicants. It is, therefore, submitted that it is not correct that subsequently the names of the applicants were disclosed. It is further submitted that the statement of the victim under Section 164 of Cr.P.C. was recorded and she maintained her story against the applicants. Accordingly, he prays for rejection of the bail.

7. The learned counsel for the respondent no. 2 reiterates the submissions of learned APP and prays for rejection of the present bail application.

8. Having considered the rival submissions, I have gone through the charge-sheet and the material collected by the IO, I find substance in the submission of the learned APP. There is sufficient material in the form of statement under Section 164 of Cr.PC, medical examination report and other material which indicate the involvement of the applicants in the alleged offence. The victim is 14 years old and considering the way in which all the accused have sexually assaulted her, it can be said that the offence is very serious and in that view of the matter, I am not inclined to grant bail. Hence, the application is **rejected**.

(ANIL S. KILOR, J)