

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

CRIMINAL BAIL APPLICATION NO. 798 OF 2024

Amol @ Bhavdya Deelip Wagh ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

Mr. Vaibhav Kadam with Kalpesh Karkera, Shrinath Badade, Advocate
for Applicant.

Mrs. S. M. Yadav, APP for State-Respondent.

Mr. Satyam Harshad Nimbalkar, through VC i/b Abhishek Ulhas
Arote, Advocate for Respondent No. 2.

Mr. Sachin V, P. N. , Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 21st OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 104 of 2023 registered with Yeola Taluka Police Station, Nashik for the offences punishable under Sections 376(2)(i)(n), 363, 366, 366-A, 506 of the Indian Penal Code, 1860, Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3/25 of Arms Act, 1959.

3) Having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that on the date of the alleged crime, the applicant was a minor. She was 16 years old. There are specific allegations against the applicant that under a threat of life she against her wish went with the applicant, who was externed from Nashik District from one year. It is evident from the charge-sheet that during the period of externment the said offence was committed by the applicant. There are witnesses, who have stated about the terror of the applicant in the locality and therefore, though the victim was with the applicant for about eight days, it can be prima facie presume that because of his criminal record, she might be scared and did not make complaint to anyone.

4) Thus, considering the past criminal record of the applicant and the specific allegations made against him by the victim, I am of the opinion that if the applicant is released on bail, there will be a threat to the life of the victim. Furthermore, the DNA report supports the case of the prosecution against the applicant as such there is no merit in the present applicant.

5) Accordingly, the application is rejected and disposed of .

[ANIL S. KILOR, J.]