

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1069 OF 2024

Harish Nana Kuchekar, Age 19 years,
Occ.Labourer, R/o.Shivare, Tal.Bhor,
Dist.Pune (Presently at Yerwada Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Ritvk Joshi i/by Mr.Mahesh Hawa for Applicant.

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

Ms.Amita Gavkar, Advocate for Respondent no.2.

CORAM : ANIL S.KILOR, J.

DATE : 17th 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.128 of 2022 registered with Rajgad Police Station, District Pune, for the offences punishable under Sections 376(f)(i) of Indian Penal Code r/w Sections 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for Applicant submits that there is every possibility that as the victim narrated the incidence to her mother then, mother narrated it to her husband and thereafter the complaint was made, there must be improvisation in the allegations.
4. Even if this submission is accepted, still the sub mission of the victim cannot be ignored and discarded wherein she has narrated the

incidence in detail. There are no allegation of penetrative sexual assault therefore, there are less chance of having any medical evidence. Furthermore the victim was medically examined after about seven days.

5. The victim is aged eight years and there was no reason why the victim would lie. In that view of the matter, since prima facie incriminating material is available on record, at this stage I am not inclined to grant bail. Accordingly the application is rejected.

6. However, considering the mandate of Section 35 of Protection of Children from Sexual Offences Act, 2012, liberty is granted to the Applicant to apply afresh after six months, if there is no progress in trial.

(ANIL S.KILOR, J.)

MST