

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1885 OF 2024

Tejas Chhagan Gosavi, Age 20 years,
Occ.Business, R/o.Bhuite Vasti,
Palashi, Pandharpur Gramin, Solapur.

Applicant

versus

1. The State of Maharashtra.
2. X.Y.Z.

Respondents

Mr.Salman Pathan, Advocate for Applicant.

Mr.Prathamesh P.Bhosale, Advocate for Respondent no.2 through
Legal Aid.

Ms.Poonam P.Bhosale, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 16th 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.511 of 2023 registered with Pandharpur Rural Police Station, Solapur Rural, for the offences punishable under Sections 376(3), 452, 354, 506 of Indian Penal Code r/w Sections 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012 r/w Sections 3(1)(w), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of SC & ST (Prevention of Atrocities) Act, 1989.

3. Having gone through the charge sheet and relevant material collected by the Investigating Officer during investigation it is evident that the statement recorded by the learned Magistrate of the

victim u/s.164 of Cr.PC supports the case of prosecution that the Applicant intended to commit sexual intercourse with the victim who is a minor girl.

4. Learned counsel for Applicant is trying to show some contradictions in the statement u/s.161 and the statement u/s.164 of Cr.PC and further he tries to point out that out of rivalry he has been falsely implicated in the case. However, considering the age of the victim and her statement u/s.164 of Cr.PC giving all the necessary details about the offence, at this stage because of certain discrepancies the statement of the victim u/s.164 of Cr.PC. cannot be discarded. The offence is serious. In that view of the matter I am not inclined to grant bail. Accordingly it is rejected.

5. 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 nine months before Trial Court, if there is no progress in the trial.

(ANIL S.KILOR, J.)

MST