

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

BAIL APPLICATION NO. 2010 OF 2024

Atul Devrao Rathod

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Ms. Pallavi Deshmukh, Advocate, for the Applicant

Mrs. Geeta P. Mulekar, APP, for Respondent No. 1 – State

Ms. Shivani S. Kunder, Advocate, for Respondent No. 2

Mr. Anis Mulla, PSI, Mahalunge MIDC Police Station, Pimpri-Chinchwad present

CORAM : ANIL S. KILOR, J.

DATE : 29.11.2024

P. C.

1. By this Application, the Applicant seeks regular bail in connection with C. R. No. 206 of 2023 registered with the Mahalunge MIDC Police Station, Pimpri-Chinchwad, for the alleged offences punishable under Sections 376(2)(i), 328 of the Indian Penal Code, 1860 and under Sections 3(A), 4, 5(H), 6 & 8 of the Protection of Children from Sexual Offences Act, 2012.

2. As argued by the Applicant that, it is the case of the prosecution that when the alleged sexual assault was committed by the Applicant, the victim was intoxicated. However, the FSL Report does not suggest

that the victim was intoxicated. It is, therefore, argued that the prosecution story is doubtful.

3. However, considering the period which has lapsed in between the incident and taking of blood sample, the FSL Report, *prima facie*, lost its significance.

4. Further, as regards sexual assault, the Medical Report supports the case of the Prosecution and even the statement of witness Sunil Rajaram Sonawane corroborates the statement of the victim that after committing sexual assault, while the Applicant running away, he locked the door from outside which was opened by the said witness after hearing the victim's noise.

5. Thus, there is sufficient incriminating material against the Applicant on the record to show the complicity of the Applicant in the alleged offence. In the circumstances, as the offence is of very serious nature, I am not inclined to grant bail to the Applicant.

6. Accordingly, the Bail Application is rejected.

7. Liberty is granted to the Applicant to apply afresh after one year, if there is no progress in the trial.

(ANIL S.KILOR, J.)