

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

CRIMINAL BAIL APPLICATION NO. 2571 OF 2024

Pappu @ Suhas Kisan Sonwalkar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Nagesh Khedkar, Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 18th NOVEMBER, 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.625 of 2020 registered with Phaltan Rural Police Station, Satara for the offences punishable under Sections 307 and 353 read with Section 34 of the Indian Penal Code, 1860, Section 3/25 of the Arms Act, 1959 and Sections 3(1)(ii) 3 (2) and 3(4) of Maharashtra Control of Organised Crime Act, 1999 ('MCOC Act').
- 3) The learned Counsel for the applicant submits that no identification parade was conducted and only on the basis that, both the victims have stated the name of one of the accused as 'Ganya' and since the name of the applicant is Ganesh, police have implicated the

applicant in the alleged offence. It is further argued that the mother of the victims was in love with one Ravi, who is the co-accused and the whole village was against their relations, therefore, the girls have falsely implicated the villagers in the alleged offence. He further argued that the statement of Satish Kisan Mohan and the attendance Register of the school show that, both the victim girls left the village one year before, the complaint. Hence, the allegations are false.

4) On the contrary, the learned APP while opposing the application pointed out the incriminating material and prayed for rejection of the present application.

5) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the offence was registered on a statement of victim Diksha Deepak Waghmare. It is further evident that one Chaya Arun Mutha, Probation Officer of Children Home, stated in her statement that when the police brought both the girls in the children's home, they were in trauma. However, after medical treatment and taking them into confidence, she got to know the alleged fact of sexual assault committed by the accused on both the girls.

6) The Statement of Probation Officer shows that the girls were in her custody for a long period and in between neither their parents or anybody else met them. Thus, there is no possibility of tutoring.

7) The contention of the applicant that the accused have been falsely implicated as they were against the love affair of the mother of the victims with one Ravi, who is a co-accused, cannot be accepted for the reason that Ravi is also implicated as an accused along with the father of the victims. On the date of lodging of the report, the informant was 10 years old whereas her sister was 7 years old. Moreover, both the victims

have identified the applicant on showing them the photo of the applicant.

8) Thus, considering the seriousness of the offence and the material available on record, prima facie the complicity of the applicant is apparent. Accordingly, I do not find the present case as a fit case for grant bail.

9) Furthermore, the submission of the learned Counsel for the applicant that the statement of grandmother was not recorded and in a statement of one of the victims under Section 164 of the Code of Criminal Procedure, 1973, name of the applicant does not appear, will not help the applicant in view of the report of the Probation Officer.

10) In these circumstances, the application is rejected and disposed of.

[ANIL S. KILOR, J.]