

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

CRIMINAL BAIL APPLICATION NO. 3784 OF 2024

Datta @ Dattu Laxman Rathod ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

**SAYALI
DEEPAK
UPASANI**

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SAYALI DEEPAK
UPASANI
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Ms. Vilasini B. i/b Mr. Jaydeep D. Mane, Advocate for Applicant.
Mr. Sakshee P. Chavan, Appointed Advocate for Respondent No. 2. ,
Ms. Poonam P. Bhosale, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 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. 291 of 2023 registered with Valsang Police Station, Solapur for the offences punishable under Sections 376(3) and 506 of the Indian Penal Code, 1860 and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(W)(i), 3(1)(W)(ii), 3(2)(V) and 3(2)(VA) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- 3) The applicant is a labour contractor and he has allegedly sexually assaulted the victim by taking her to his house on the pretext that he

would pay her, her labour charges at his home. It is further alleged that when the victim followed him to his house, he closed the door and committed the alleged heinous crime.

4) The medical report supports the case of the prosecution. Furthermore, the victim has given the complete narration of the incident in her statement under Section 164 of the Code of Criminal Procedure, 1973. Since there is sufficient incriminating material available on record, the submission of the learned Counsel for the applicant that he has been falsely implicated in the alleged offence as the applicant did not pay the labour charges of the victim and her parents cannot be accepted.

5) Thus, in view of the sufficient material showing the prima facie complicity of the applicant in the alleged offence, I do not find this is a fit case for grant bail.

6) Accordingly, the application is **rejected** and disposed of.

[ANIL S. KILOR, J.]