

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3925 OF 2024

Vijay Sensar Joseph, Age 45 years,
Occ.Driver, House No.5472, Bappa Sitaram
Gidraipada, Tungareshwar Phata,
Tal.Vasai, District Palghar
(Presently in Thane Jail.

Applicant

versus

1. The State of Maharashtra
2. A.B.C.

Respondents

Mr.S.K.Kamble with Adv.Manisha Jadhav for Applicant.
Mrs.Ashwini A.Takalkar, APP, for State.
API Arjun Pawar, Pelhar Police Station, present.

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.90 of 2023 registered with Pelhar Police Station, District Palghar, for the offences punishable under Sections 376, 376(2)(F) of Indian Penal Code.

3. Having gone through the charge sheet and relevant material collected by the Investigating Officer during investigation it is evident that when the statement of the victim was recorded u/s.164 of Cr.PC, she narrated the alleged incidence. Applicant is the step father of the victim. In addition to this, the minor brother of the Applicant also gave a statement u/s.164 of Cr.PC and he supports the case of prosecution.

4. Thus, considering the nature of allegations and the material collected by the Investigating Officer during investigation I am prima facie of the view that there is sufficient material to show complicity of the Applicant in the alleged offence. In that view of the matter, I am not inclined to grant bail. Accordingly it is rejected.

5. However, at this stage, learned counsel for the Applicant seeks liberty to move afresh if there is no progress in trial in near future.

6. Considering the period of incarceration of the Applicant, liberty is granted to the Applicant to move afresh before the Trial Court after one year, if there is no progress in trial.

(ANIL S.KILOR, J.)

MST