

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

CRIMINAL BAIL APPLICATION NO.2314 OF 2022

Vinayak Haribhau Pawar Applicant

V/s.

State of Maharashtra & Anr. Respondents

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Mr.Satyavart Joshi i/b Mr.Samay S. Pawar, for the Applicant.
Mr.Ashok S. GAwai, APP, for Respondent-State.
Mr.Swapnil Ovalekar, appointed Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 06th FEBRUARY 2025

P.C:-

. By this Application, Applicant is seeking regular bail in Crime No.32 of 2022, registered with Patan Police Station, for the offence punishable under Sections 366A, 370(1)(A), 376(2)(L)(J)(N), 376(3), 376(D), 376(DA) and 506 read with Section 34 of the Indian Penal Code, 1908 ('IPC' for short), under Sections 4,6 and 17 of the Protection of Children From Sexual Offences Act, 2012 ('POCSO' for short) and Section 5(C)(G)(J)

of Immoral Traffic (Prevention) Act, and Bal Naya Adhiniyam Act, 1975.

2. It is prosecution case that, at the time of the incident the victim was 13 years and 5 months old. She is 25% differently abled. The Accused No.1 was aware about it but by taking the money from co-accused. The Accused No.1, helped the Applicant and co-accused to sexually assault the victim. The victim was sexually assaulted by the Applicant and co-accused at various places.

3. It is contention of the learned counsel for the Applicant that, the Applicant is behind bar more than 3 years. Yet trial has not been concluded. On the ground of long incarceration the Applicant is seeking bail. Hence, requested to allow the Application.

4. It is contention of the learned APP along with learned counsel for Respondent No.2 that, at the time of the incident the victim was 13 years and 5 months old. She is 25% differently abled child. The Accused No.1 was aware about it. The Applicant and co-accused repeatedly sexually assaulted her at

various places by paying money to the Accused No.1. Victim was gang raped. The maximum punishment for the offence registered against the Applicant is life imprisonment. The Trial is in progress. Two witnesses have been examined. The learned APP further submitted that, due to sexual assault the victim got pregnancy of six weeks. Hence, requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet. Allegations against the Applicant are that by paying money to the Accused No.1 he alongwith co-accused sexually assaulted the victim who was 13 years and 5 months old at the time of incident. She was 25% differently abled. The victim has identified the Applicant in T.I. Parade. The trial is in progress. Two witnesses have been examined. The maximum punishment for the offences registered against the Applicant is life imprisonment. Considering these facts, I pass following order.

ORDER

- (i) The Application is rejected.
- (ii) All pending Applications are disposed of.

(iii) The Trial Court shall decide the case on its own merits, uninfluenced by the observations made in this order.

(SHIVKUMAR DIGE, J.)