

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1817 OF 2015**[Devidas s/o Shankar Pickle and anr. Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri S.S.Pawar, advocate for applicants
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 27th April, 2015****PER COURT :-**

1] By the present application, the applicants are seeking their release on bail since they are arrested, in connection with Crime No. 4 of 2015, registered with Police Station Ramtirth, Taluka Biloli, District Nanded, for the offences punishable under Sections 354-B, 376(2)(i)(L), 34 of the Indian Penal Code; and Sections 3(1)(xii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 10, 12 of the Prevention of Children from Sexual Assault Act, 2012.

2] Heard Shri S.S.Pawar, learned counsel for the applicants and Shri A.S.Shinde, learned Additional Public Prosecutor for the respondent/State.

3] According to the learned counsel for the applicants, in view of filing of the charge sheet, further custodial presence of the present applicants is not at all necessary. Merely because the charge sheet is filed that does not mean that the applicants who are accused of committing very heinous offence can be released on bail. In that view of the matter, his submission that since the charge sheet is filed he has to

be released on bail is hereby rejected.

4] Vimal Ingale, mother of the prosecutrix has lodged report on 21.3.2015. The prosecutrix is a deaf and dumb girl. She is unable to hear and she cannot express herself through words, however, she is able to express through her gestures. The first informant who is poor woman got admitted her deaf and dumb girl in a school run by Jai Malhar Prashikshan Prasarak Mandal at Narsi. She was taking education in the first standard. There is no dispute that the age of the prosecutrix is just 14 years and at the relevant time she was taking education in 6th standard. Due to festival of Makar Sankranti, the first informant brought her girl at her house on 9.1.2015. On 11.1.2015, the prosecutrix poured kerosene on herself and tried to set herself ablaze. Timely the first informant and her two daughters intervened. Upon inquiry with her by gestures and by writing she told that the present applicants and others committed all sorts of physical abuses on her since last one year. In the night she is being taken in the bath room and there she is physically assaulted. Thereafter, the teachers from the school Shri Janardhan Jadhav and Syed Latif Hanif were called. On conversation with the prosecutrix, she reiterated in respect of the heinous acts committed by the present applicants on her.

5] The prosecutrix is a deaf and dumb girl. The first informant is a poor lady. The present applicants appear to be influential persons. Therefore, there is every possibility of tampering with the prosecution case. Looking to the gravity of the offence and nature of allegations, the application is rejected.

(V.M.DESHPANDE, J.)

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