

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4753 OF 2015**

- 1) Manoj s/o Babu Bhalerao,  
R/o. Barkar Ali Naka,  
Panchasheel Nagar, Anandwadi,  
Wadala (East), Mumbai-37
  - 2) Vikas s/o Vasant Rupvate,
  - 3) Santosh s/o Bhausahab Kolge,
- Both R/o Pokhari-Haweli,  
Tal. Sangamner, Dist. Ahmednagar
- ...Applicants

versus

The State of Maharashtra,  
Through the Police Inspector,  
Ashwi Police Station,  
Tal. Sangamner, Dist. Ahmednagar

...Respondent

.....  
Mr. K. N. Shermale, Advocate for applicants  
Shri. S. R. Palnitkar, A.P.P. for respondent/State  
.....

**WITH  
CRIMINAL APPLICATION NO. 4299 OF 2015**

Sagar S/o Vijay Nawale,  
R/o. Orange Corner, Surya Nagar  
Row House No. 5, Sangamner,  
Tal. Sangamner, Dist Ahmednagar

...Applicant

versus

The State of Maharashtra,  
Through the Police Station,  
Ashwi Police Station, Ashwi,  
Tal. Sangamner, Dist. Ahmednagar

...Respondent

.....  
Mr. S. D. Tawshikar, Advocate for applicants  
Shri. S. R. Palnitkar, A.P.P. for respondent/State  
.....

**CORAM : N.W. SAMBRE, J.**

**DATE : 8th SEPTEMBER, 2015**

**ORAL ORDER :**

The applicants are seeking regular bail in Crime No. I-25 of 2015 for the offence punishable under Section 376 (D) of the Indian Penal Code read with sections 3,4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The paternal aunt of the prosecutrix namely Mary Agustin D'Souza has lodged complaint on 26/05/2015 alleging therein that, prosecutrix Dipali subjected to sexual abuse by the present applicants for period in between 03/01/2015 to 06/05/2015.

3. It is claimed that the prosecutrix narrated the commission of alleged crime by the applicants to her paternal aunt D'Souza, who proceeded to file F.I.R. in question.

4. The perusal of F.I.R. reflects that, if the contents of the same are taken to be true, there is involvement of mother of the prosecutrix, her grandmother and other relatives also. Apart from above, it is required to be noted that, investigation in the matter is already completed.

5. The learned Court trying the matters may look into the same at appropriate stage.

6. So far as applicant No. 1 Manoj in Criminal Application No. 4753/2015 is concerned, it is not in dispute that, he is deaf and dumb and was taking education in Bombay Institution for deaf and mutes. Further two applicants are related to him and the case sought to be put forth by them is that since the applicant Manoj refused to marry with Dipali, all applicant are falsely implicated in the crime.

7. So far as the applicant in Criminal Application No. 4299/2015 is concerned, the F.I.R. reflects that, the allegation against the said accused that he is named as relative of Manoj, however, the complete details in F.I.R. about the said complaint was not narrated. Apart from above, the perusal of investigation papers and the chargesheet is already filed, it reflects that the prosecutrix Dipali was habituated to sexual intercourse.

8. In my opinion, the perusal of the accusations reflects that, the entire incident took place with the consent and connivance of mother of prosecutrix and her grandmother was also in know how

of the said issue.

9. In view of above background, it will be appropriate, in my opinion, particularly, when the accused Manoj is deaf and dumb, is not disputed, to order the release of the applicants on bail. Hence I propose to pass the following order.

The applicants be released on bail, on furnishing P.R. Bond of Rs. 15,000/- (Rs. Fifteen Thousand), by each of the applicant, with one surety in the like amount in connection with Crime No. I-25 of 2015, registered with Ashwi Police Station, Taluka Sangamner, Dist. Ahmednagar for the offence punishable under Section 376 (D) of the Indian Penal Code read with sections 3,4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

10. The applications stand allowed in above terms.

**[ N.W. SAMBRE, J. ]**