

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.267 OF 2015

Ravindra Narayan Nalawade ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Hemant Zanjad i/b Onkar P. Ukarande for the Applicant
Mr.S.S. Pednekar APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 20, 2015**

P.C.:

1. This is an application for bail. The applicant/accused is charged under sections 376 (2) (N) (L), 506(2) and 313 of the Indian Penal Code. The incident of rape has taken place on a number of occasions. It is an unfortunate case where both the prosecutrix and the accused are deaf and dumb. The applicant is married. The applicant's wife is also deaf and dumb. They all were associated with a deaf and dumb school in Pune. As per the case of the prosecution, in December, 2012, the applicant/accused raped the prosecutrix for the first time and then he threatened her not to inform about the same to others. Thereafter, he continued to rape her on a number of occasions. She was totally under his threat and hence, she did not disclose the same to anybody. Thereafter, on 28.5.2014, she

disclosed about the same after mustering courage and pursuant to which the FIR was registered.

2. The learned Counsel for the applicant/accused has submitted that the applicant is inside the prison since 28.5.2014. He is 30 years old. The sexual intercourse was consensual and there is no evidence of rape committed by the applicant/accused. He pointed out that at the time of the incident, when she gave the information to the police in December, 2012, the prosecutrix was major and 19 years of age.

3. The learned Prosecutor has opposed the application.

4. Considering the age of the prosecutrix and the manner in which the incident has taken place, after going through the FIR and considering the submissions of the learned Counsel for the parties, I am inclined to grant bail to the applicant on the following terms and conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two solvent sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;

iii) The applicant shall not indulge into any kind of offence or pressurise the prosecutrix, while on bail;

iv) The applicant shall attend on all the Court dates.

5. Bail application is disposed of in the above terms.

(MRS.MRIDULA BHATKAR, J.)