

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

**CRIMINAL APPLICATION NO.2352 OF 2015
IN
CRIMINAL APPEAL No.413 OF 2015**

Suresh s/o Karbhari Wadge,
Age-61 years, Occu:Agri.,
R/o-Naigaon, Tq-Shrirampur,
Dist-Ahmednagar.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector,
Taluka Police Station,
Shrirampur, Tq-Shrirampur,
Dist-Ahmednagar.

...RESPONDENT

...
Mr.A.N. Nagargoje Advocate appointed for
Applicant.
Mr.S.M. Ganachari, A.P.P. for Respondent.
...

CORAM: A.I.S. CHEEMA, J.

DATE : 29TH MARCH, 2016

ORDER :

1. Heard learned counsel for the Appellant -

original accused. The learned counsel vehemently submitted that the Applicant - original accused needs to be granted bail. He was on bail in the trial Court and after conviction, he is in jail. Learned counsel submits that PW-6 Head Mistress of the school of deaf and dumb children deposed in this matter regarding the statement she recorded of the victim. According to the learned counsel, the Head Mistress was not duly qualified. Learned counsel submits that there is no sufficient evidence to connect the accused to the incident and thus the Appeal needs to be granted. According to him, the matter will take long time and Applicant need not be kept in jail.

2. Learned A.P.P. submits that victim was not only deaf and dumb but she was also mentally retarded and thus the prosecution brought on record evidence of PW-6 Head Mistress, who was running deaf and dumb school and knew the technique of conversing with such children.

Learned A.P.P. submits that apart from the evidence of the Head Mistress, there is medical evidence which shows that D.N.A. test was carried out on the accused, the victim and her child and the D.N.A. test connected all three of them, which further went to establish that the Applicant - original accused did commit rape on the victim.

3. Going through the material available on record, considering the evidence and the nature of offence, I do not think that this is a fit matter where bail should be granted. It is stated that the victim is still residing in the same village. Looking to the condition of the victim who is deaf and dumb and mentally retarded, it will not be appropriate to release the present Applicant - original accused on bail when he has committed such serious offence on such a helpless victim. However, looking to the fact that Applicant - original accused is senior citizen, at the most hearing of the Appeal may be expedited.

4. For above reasons, the Application for bail is rejected.

5. The hearing of the Appeal is expedited.

6. Paper-Book be got prepared.

[A.I.S.CHEEMA,J.]

asb/MAR16