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

**CRIMINAL APPLICATION NO. 2730 OF 2016
IN APEAL/328/2016**

**SANTOSH DEELIP SHINDE.
VERSUS
THE STATE OF MAHARASHTRA.**

...
**Advocate for Applicant : Kale Mahesh P.
APP for Respondents: Mr.A.V.Deshmukh**
...

CORAM : V.L.ACHLIYA,J.

DATE : 22/08/2016

PER COURT :-

Heard learned counsel for applicant and APP for State.

2] Perused the judgment and order passed by the trial Court.

3] The applicant is convicted for committing offences under Section 376 and 323 of IPC and sentenced to undergo rigorous imprisonment for 10 years and to pay fine of Rs.10,000/-.

4] In nutshell, it is the contention of the learned counsel for the applicant that the applicant is falsely implicated in the case at the instance of victim's mother. He has submitted that there is no corroborative evidence to establish that victim was sexually

assaulted. He has submitted that during the medial examination, the doctor has found the hymen to be intact. He has further submitted that there is arguable case in favour of applicant.

5] Having regard to the submissions advanced in the light of judgment and order passed by the trial Court, I am of the view that the applicant does not deserve to be released on bail. The victim has fully supported the case of the prosecution. There is sufficient evidence to connect the applicant for commission of offence. The victim is mentally challenged girl. She has been sexually assaulted by the applicant. In case the applicant is released on bail, there is every possibility that he may abscond. Hence the following order :

ORDER

Application is rejected. Hearing of the appeal is expedited. Trial Court is directed to prepare paper book. Record and proceeding be sent back to the trial Court for preparation of paper book. List the appeal for final hearing after receipt of the paper book.

(V.L.ACHLIYA,J.)

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