

Criminal Application No. 4544 of 2016

Ashok Bajirao Ghadge,
Age : 42 years,
Occupation : Agriculturist,
R/o. Aaherwadgaon,
Taluka & District : Beed. .. Applicant.

The State of Maharashtra,
Through Police Inspector,
Beed Rural Police Station,
Beed,
Taluka & District : Beed. .. Respondent.

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*Mrs. V.N. Patil (Jadhav), Addl. Public Prosecutor,
for the respondent.*

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DATE : 26TH AUGUST 2016

The applicant / accused in Crime No. 200/2015, for offences punishable under Sections 302, 376(2)(f)(i) of the Indian Penal Code and under Sections 3, 4, 5 and 6 of the Prevention of Children

From Sexual Offences Act, 2012, by this application, is praying for his release on bail after filing of the charge-sheet.

2. Heard the learned Counsel for the the applicant / accused. He argued that evidence against present applicant consists of his conduct in not attending the funeral of the deceased as well as not going to the spot to see dead body of deceased Seema @ chaki. The learned Counsel by drawing my attention to the memorandum of statements of the applicant, further argued that clothes of the applicant are alleged to be seized and they are stated to be stained with blood in the Panchanama. This evidence, in submission of the learned Counsel for the applicant, is insufficient to conclude that the deceased female child was raped and murdered by the present applicant. He, therefore, urged that further custodial detention of the present applicant is not warranted.

3. The learned Addl. Public Prosecutor by drawing my attention to statements of witnesses as well as supplementary statement of the informant - mother of the deceased, argued that post event conduct of the present applicant shows that he is prima facie connected with the crime in question.

4. Perused the charge-sheet annexed to the

application. According to the prosecution case, Seema @ Chaki Haridas Gore, a minor female child taking education in 9th standard, was subjected to rape and subsequently murdered brutally in the field of Ramdas Gore. Report lodged by her mother Mirabai Gore on 21.10.2015 reveals that she left her house situated at Samnapur Shivar, Taluka & District Beed, on 21.10.2015 to attend some programme at Tandalwadi. She returned to her house at about 06.00 p.m. and found Seema @ Chaki missing. At about 07.00 p.m., she came to know that dead body of Seema @ Chaki was lying in the field of her brother-in-law Ramdas Gore. The informant reported that face of Seema @ Chaki was smashed by stones and blood stained stones were found lying nearby. The informant further reported that *Salwar* owned by deceased Seema @ Chaki was found to be removed.

5. The spot was inspected by Police and it was found that dead body of Seema @ Chaki was lying in the field with smash head and broken teeth. It was dispatched for autopsy. Post mortem report reveals that Seema @ Chaki died because of haemorrhage shock due to injury to vital organ brain due to assault. The Autopsy Surgeon reported that there is evidence of sexual intercourse. Column No. 21 of the post mortem report reveals that there was abrasion over right inner aspect of labia majora having size 2 cm. X 1.5 cm. with tearing of hymen. This prima facie

indicates rape prior to murder of deceased Seema @ Chaki.

6. Now, let us see whether there is prima facie material to connect the applicant to the crime in question in order to determine whether his pre-trial detention in the crime in question is warranted. Confessional statement of the applicant has resulted in recovery of his clothes including underwear, full pant and shirt. Seizure Panchanama shows that his shirt was stained with blood. On arrest, the applicant was subjected to medical examination. Report of his medical examination does not reveal any injury on person of the applicant / accused.

7. Sample of blood of the applicant / accused was collected, so also post mortem blood of deceased Seema @ Chaki. Clothes of deceased Seema @ Chaki were also seized.

8. Forensic evidence collected by the prosecution reveals that blood of the accused is of "O" Group. Seized stones, Kurta, Slip and Jangya of deceased Seema @ Chaki was having blood of "O" group. This prima facie indicates that the deceased was also having blood of "O" Group.

9. Seized Kurta of deceased Seema @ Chaki, when subjected to forensic examination, had reflected

presence of semen of "O" group. Nicker of the accused was found to be stained with human blood. Shirt of the accused was found to be blood of "O" Group which appears to be blood group of deceased Seema @ Chaki. As indicated above, on arrest no injury was found on person of the accused in his medical examination. The forensic evidence as such indicts the applicant in the heinous offence of rape and murder of female child. In this view of the matter, no case for bail is made out.

10. The Application is accordingly rejected.

11. Needless to mention, that the observations made in this order are prima facie in nature which shall have no bearing on trial of the case.

(A.M. BADAR)
JUDGE

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