

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

CRIMINAL APPLICATION NO. 6330 OF 2015

Sitaram Sambhaji Mane,
Age: 63 years, Occu: Agriculture,
R/o. Goykarwada(Khandala);
Taluka Karjat, District Ahmednagar ...Applicant

versus

The State of Maharashtra,
Through Karjat Police Station,
Taluka Karjat, Dist Ahmednagar ...Respondent

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Mrs. Rashmi Kulkarni, Advocate h/f Mr. Sanket S. Kulkarni, Advocate for
applicant

Mr. M. B. Bharaswadkar, A.P.P. for respondent
Mr. A.A. Nimbalkar, Advocate to assist A.P.P.

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CORAM : N.W. SAMBRE, J.

DATE : 5th JANUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No. I-05 of 2014 registered at Karjat Police Station, Tq. Karjat, District Ahmednagar for the offence punishable under Sections 376 of Indian Penal Code and Criminal Law Amendment Act 2012 under Section 376(2)(k) of Indian Penal Code.

2. The applicant alleged to have committed rape on mentally unsound girl, which was witnessed by her mother complainant.

3. While trying to make out case for grant of bail, learned Counsel for the applicant would urge that investigation in the matter is complete and custodial detention is no more necessary. Learned Counsel would then urge that looking to the age of the applicant, which is 63 years and nature of evidence as is available, there is hardly any likelihood of involvement of the applicant in the commission of crime in question and has sought release on bail.

4. Prayer is opposed by learned A.P.P. According to him, there is *prima facie* evidence available on record against the applicant. According to him, eye witness to the incident is the complainant – mother of victim, has in clear terms narrated the conduct of the applicant in commission of crime.

5. Having considered the submissions, in the light of contents of charge sheet though it is noted that no semen was detected on the clothes of victim, however, *Salwar* and garments were stained with blood. Apart from above, there is eye witness to the incident in question. The statement of victim through an expert speaks of involvement of applicant in crime in question. In this background, no case for grant of bail is made out. The application fails, stands rejected.

[N.W. SAMBRE, J.]