

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2343 OF 2015

Suraj Shankar Jadhav ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Ghanasham Jadhav for the Applicant
Mr. D.P.Adsule, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 21, 2016.**

P.C.

1. This is an application for bail filed by the applicant who is facing trial for the offences punishable under Section 366, 376, 2(j) (l)(M) r/w. 34 of IPC and Section 3(1)(12), 3(2)(5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act .

2. The case of the prosecution in brief is that the applicant along with the co-accused abducted a deaf and dumb girl and thereafter committed rape on her. The learned Counsel for the applicant has submitted that there is no prim facie material to show the

involvement of the applicant in commission of the said crime. He has further stated that the medical evidence does not support the case of the prosecution. He has also stated that no complaint was lodged at Vadgaon Police Station, from where the girl was rescued.

3. The learned APP has submitted that there is prima facie material against the applicant. The offence is of serious nature and the gravity of the offence would not entitle the accused to be released on bail.

4. I have perused the record and considered the submissions advanced by the learned Counsel for the applicant and the learned APP for the State. The FIR lodged by the mother of the victim prima facie reveals that her daughter who is deaf and dumb was missing from 12.3.2015, they searched for her, but were unable to find her. On 13.3.2015, she learnt that the applicant herein and another person had taken her deaf and dumb daughter on motorcycle from Jain Mandir, Mangalvar Peth. Subsequently, she received a phone call from Vadgaon Police Station that the prosecutrix was at the

police station and she was called to the police station. She went to the police station, and on enquiry with her daughter, she told that two persons who had come on motorcycle had taken her to sugarcane plantation near river side and thereafter had sexual intercourse with her.

5. The statement of the victim also prima facie reveals that she was abducted and subjected to rape by two persons. Though the victim has not identified the applicant and the other co-accused, the statement of Saurabh Ahivale, prima facie reveals that he had seen the applicant and another person taking the prosecutrix on a splendor motorcycle. The aforesaid statement prima facie indicates that the applicant was involved in abducting the victim and subjected her to rape.

6. The medical evidence indicates that there were injuries on both the thighs which were less than 24 hours duration. The opinion has been reserved. It may be mentioned here that the medical evidence is only a corroborative piece of evidence and the fact that the opinion

has been reserved would not lead to an inference that the victim was not subjected to rape. The offence is of serious nature. The gravity of the offence would itself not justify granting of bail to the applicant.

7. Considering the above facts and circumstances, and in view of the discussion supra, the bail application is dismissed.

(ANUJA PRABHUDESSAI, J.)