

3 It is the case of the prosecution that on 16th May, 2017,
Lahu Jadhav lodged a report at the Police Station that his son
Digambar was married to the victim, she is deaf and dumb. His son
was also a handicapped person. That 1½ months prior to 16th May,

2017, his daughter-in-law had left the house and thereafter she was found at village Ketur. It is disclosed that on 16th May, 2017, at about 9.00 am., his wife had left for marriage. They returned at about 2.00 pm. and could not find their daughter-in-law at home. They had searched for her and finally lodged a report and the same was registered as Missing Persons Report No. 21 of 2017.

4 On 15th June, 2017, Ganesh Ghule, brother of the victim had lodged report at the Police Station alleging therein that on 11th June, 2016, his uncle Mahadev Namdeo Devkar resident of Tuljapur had informed them that the victim was in his house. She was brought home on 15th June, 2017. Since she was deaf and dumb, there could be no proper communication with her and therefore the teacher of the deaf and dumb school namely Sulbha Eklare was summoned. She had enquired with the victim. The victim had signalled that fat man who was her neighbour alongwith two others had kidnapped her on 16th May, 2017. She was in confinement at different places. She was assaulted and sexually abused. They had cut hair of her head and eyebrows. That she was been sexually abused everyday by the three persons. On the basis of the said report, the applicant was arrested on 16th June, 2017. The investigation is completed and charge-sheet is filed.

5 Learned counsel for the applicant has vehemently submitted that the daughter of the applicant was to get married on 31st May, 2017 and therefore he was not in town on the day of incident. To substantiate his contention, the learned counsel has drawn attention of this court to the call details record of the applicant, which according to him substantiates that he was not in town on the day of the incident. Learned counsel for the applicant has also drawn attention of this court to the statement of one Laxman, who has seen the victim on ST stand on 16th May, 2017 and they had refused to accompany him to her house. It is seen from the record that the date of birth of the victim is 15th July, 1997. She had attended deaf and dumb school at Sojar, Taluka Bhoom and she has studied there till 6th standard. She had stopped attending school since 22nd June, 2005. Learned counsel for the applicant has submitted the statement of victim, which was purportedly recorded by the teacher of deaf and dumb school cannot be relied upon as the victim had only disclosed that the fat man alongwith two others had kidnapped her.

6 Learned counsel for the applicant has therefore submitted that there is no cogent and convincing material to implicate the present applicant and that it could be the case of mistaken identity. As against this, the learned APP has drawn the attention of this court to the statement of Sulabha Eklare, who happens to be the teacher of

deaf and dumb school. The witness has specifically stated that the victim had signalled to her that the fat man alongwith two others had abducted her. She was made to starve. She was kept in confinement. She was assaulted and that she was sexually abused by all three persons. Learned APP has then drawn attention of this court to the statement dated 16th June, 2017, where the statement of victim was recorded. The witness Sulbha Eklare had enquired about the identity of the fat man with the mother-in-law of the victim and she had disclosed that the present applicant is residing as her neighbour and used to eve-teasing the victim quite often. The name of the applicant was written on a piece of paper and at that stage the victim had specifically answered in the affirmative. According to the learned APP, the said material would be sufficient to show that the present applicant is involved in the said heinous offence. Learned APP further submits that such cases are on the rise and the applicant does not deserve to be shown any leniency and the prosecution deserves chance to prove the offence at the trial. It is also submitted by the learned APP that in most of the cases, it is only known persons, who are acquainted with the victim, would take disadvantage of such disabilities. The teacher, Ms. Sulbha Eklare has further disclosed that the victim had signalled to her that she was not able to conceal and therefore she was being molested by the present applicant as well as her father-in-law.

7 Learned counsel for the applicant vehemently submitted that the father-in-law of the victim has been enlarged on bail by this Court (Coram : A.S. Gadkari J.) by an order dated 10th November 2017. It is also submitted that the role attributed to the father-in-law and the present applicant is the same and therefore the applicant deserve to be enlarged on bail by virtue of doctrine of parity. Taking into consideration the material placed on record and the submissions advanced by the learned APP, prima facie this court is of the opinion that the applicant does not deserve to be enlarged on bail at this stage. Learned counsel for the applicant submits that the case is committed to the court of Additional Sessions Judge at Barshi and has registered as Sessions Case No. 51 of 2017.

8 Learned Sessions Judge at Barshi seized with Sessions Case No. 51 of 2017 shall conclude recording of evidence within six months from the date of framing of the charge.

(Smt. Sadhana S. Jadhav, J)