

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

**BAIL APPLICATION NO.2515 OF 2017**

Arvind Mahadev Kharjule (Lavate) .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Rahul S. Kate i/by Mr. Rupesh A. Zade for the Applicant  
Ms. P.P. Shinde, APP for the State-Respondent.  
Mr. S.J. Shinde, Havildar, Phaltan Gramin Police Station, Satara

***Coram : Smt. Sadhana S. Jadhav, J.  
Date : 4<sup>th</sup> January, 2018***

P.C.:

1            Heard the learned counsel for the applicant and the learned APP.

2            This is an application under Section 439 Code of Criminal Procedure. The applicant herein is charge-sheeted in Crime No.182 of 2017, registered at Phaltan Rural Police Station. The investigation is completed and the charge-sheet is filed under Sections 376 (2)(L) and 452 Indian Penal Code.

3           It is the case of the prosecution that on 18<sup>th</sup> July, 2017, Mrs. Anusaya Shankar Landge lodged a report at the Police Station alleging therein that her younger daughter had met with an accident six years ago while she was going to school on a motorcycle. Since then, she has lost her mental balance and also lost sense of cognition. The applicant happens to be their neighbour. On 17<sup>th</sup> July, 2017, when the complainant returned home, she heard a thumping noise from the rear room and upon opening the door, she had seen the present applicant mounted upon her daughter. The victim was denuded of her clothes. She had to separate them. The applicant had tendered his apology which she did not accept and thereafter she lodged the report at the Police Station. It is apparent on the face of the record that the victim was a mentally challenged. The applicant, who was residing as their neighbour had taken undue advantage of the victim. The report shows that the victim is a patient of psychosis and under treatment. The victim girl is clinically examined. At the time of examination, the victim was not responding to the oral directions and was only laughing. She had sustained abrasions on the right side of chest and other parts of body. In the facts of the case and the fact that the applicant had committed heinous act against the mentally challenged girl, the applicant does not deserve to be enlarged on bail. The application is being sans-merit, stands rejected.

( *Smt. Sadhana S. Jadhav, J*)