

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

BAIL APPLICATION NO. 2764 OF 2017

Hanmant Bapu Padalkar.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Rahul Sopanrao Kate, advocate for Applicant.

Ms. Veera Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J

DATE : JANUARY 29, 2018

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 18/9/2016 in Crime No. 459 of 2016 registered at Sangola Police Station, District Solapur. Investigation is completed and charge-sheet is filed against the applicant on 5/10/2016 for offence punishable under section 376, 376(k), (m)(2), 363, 323 of the Indian Penal Code.

3 It is the case of the prosecution that on 18/7/2016 Bapu Kolekar, resident of old Lotewadi lodged a report at the police station alleging therein that his sister happens to be a mentally retarded person. She is aged about 21 years old. That the applicant herein resides in their neighbourhood and therefore, the family is acquainted with the applicant. On 17/7/2016 his sister was found missing from the house. They had searched for her in the nearabout vicinity. They had also enquired with the family of the applicant and had learnt that he was also not at home on that day. On the next day, his sister was brought home by some of the known person and they had informed that she was found near bank of river at village Kauthali. That she was carrying her wearing apparels in her hands. She was sans any clothes on her person.

4 Thereafter, the victim was referred for medical examination and it was revealed that the hymen was ruptured and she was subjected to sexual intercourse 12 to 24 hours before examination. She had

multiple abrasions on her back. These were abrasions on both thighs and all over her body including her face.

5 That the investigating agency had sought help of Sarika Pawar who is regularly teaching for school meant for handicapped persons. She had enquired with the victim and upon enquiry the victim had disclosed that she was abducted by the present applicant and subjected to sexual intercourse.

6 Upon perusal of the papers of investigation and considering statement of the victim as narrated to Mrs. Sarika Pawar, it is clear that the applicant has been shown as the accused, who has caused sexual assault upon the victim who is mentally retarded. No case for bail is made out. The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)