

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 950 OF 2020

(Sanjay s/o Ganeshrao Karale vs. State of Maharashtra thr. PSO, Jalgaon Jamod, District - Buldhana)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Sandip Tatke, Advocate for the applicant.
Shri S.A. Ashirgade, APP for the non-applicant –
State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 16, 2020.

Heard Shri Tatke, learned counsel for the
applicant and Shri Ashirgade, learned APP for the
non-applicant – State.

2. The applicant – Sanjay s/o Ganeshrao Karale, is seeking bail in Crime No. 735 of 2019 dated 07.12.2019 for the offence punishable under Sections 302, 452, 376(2)(j)(1), 201 of the Indian Penal Code read with Section 92(b)(d)(e) of the Right to Handicap Act, 2016, registered by Jalgaon Jamod Police Station, District – Buldhana.

3. The allegation against the present applicant is that he committed rape on a handicapped

lady aged about 45 years and thereafter committed her murder.

4. The learned counsel for the applicant has urged for bail mainly on the ground that there is no eye witness to the incident and the charge sheet does not show material with regard to alleged offence of rape.

5. Per contra, the learned APP strongly opposed the application, considering the nature of the offence and connecting link of circumstances in the charge sheet.

6. I have considered the submissions on behalf of both sides and also perused the record with the assistance of both counsel.

7. At the outset, a perusal of the statement of the first informant reflects that the deceased Lilabai Kharat is his cousin aunt and she is handicapped with leg and waist. She is a spinster. He further states that when he went to his aunt's house at around 7.30 AM, he found the deceased naked and the buttons of her blouse were all opened and he doubted about rape. He also found traces of

scuffle on her body. The blood was oozing out from her nose.

8. The learned AGP pointed out the witness – Gajanan @ Ganeshrao Bhaskarrao Karale on last seen, who has seen the applicant coming from the house of the deceased to his house during night. The learned APP also pointed out statement of one witness – Purshotam Shankarlal Kela, who had seen the applicant in inebriated and aggressive condition and he has assaulted him with wooden rod. The learned APP has also pointed out from the reply that during investigation, sniffer dog straightway entered into the house of present applicant twice, which is situated at about 30 mtrs from the place of incident. The blood stained clothes of the applicant were found hanging on the rope after washing in the house of the applicant. The present applicant also given extra-judicial confession of the crime to his wife. The medical report shows seven injuries on the body of the deceased. Apart from this, there are several abrasion marks and injuries on the entire body of the applicant, which supports the story of scuffle between the deceased and the applicant.

9. Considering the aforesaid chain of circumstances, the seriousness of the crime and the

age and physical condition of the deceased, this Court does not wish to exercise discretion in favour of the applicant. Criminal Application is rejected.

10. Needless to mention that the observations made in this application are strictly for deciding the present application of the applicant and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

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