

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

**BAIL APPLICATION NO. 754 OF 2022**

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|--------------------------|----------------|
| Rubas Charmarya Padavi   | ... Applicant  |
| Versus                   |                |
| The State of Maharashtra | ... Respondent |

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Mr. S. U. Chaudhari, Advocate for applicant  
Mr. A. V. Deshmukh, APP for respondent - State

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**CORAM : R. G. AVACHAT, J.**  
**DATED : 06<sup>th</sup> SEPTEMBER, 2022**

**PER COURT :-**

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.1008/2021, registered at Shahada Police Station, District Nandurbar, for the offences punishable under Sections 376(2)(L)(J) of the Indian Penal Code,

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the mother of the victim on 23.11.2021. It is the case of the informant that she has a 22 year old daughter (victim). She is dumb. The informant and her husband

would run a Vada-Pav stall at village Damarkheda. Since stock of Pavs/Bread was run out, she had asked the victim girl to fetch bread from a shop in the village. Meanwhile, the applicant arrived there on his motorbike. He told the informant that he would take the victim with him to the village and assist her in getting bread loaf. The informant therefore allowed the victim to accompany the applicant on his motorbike. The victim, however, did not return after a while. The informant and her husband, therefore, took search for her. After a long time, both, the applicant and the victim were seen coming from the village. The applicant reached the victim and went away. The victim then told the informant that the applicant had taken her to some place and committed rape of her. The informant therefore lodged the FIR.

3. The learned Advocate for the applicant would submit that the applicant is in jail for about nine months. There is delay of little over 24 hours in lodging the FIR. Trial has not yet commenced. He, therefore, urged for grant of application.

4. The learned APP would, on the other hand, urge for rejection of the application on the ground of seriousness of offence.

5. Considered the submissions advanced. Perused the FIR and the related police papers. The victim was a 22 year old girl. She is dumb, but not deaf. There is delay of 24 hours in lodging of the FIR. After registration of the crime, the victim was medically examined. The medical examination report rules out sexual intercourse. For these reasons, the Court is inclined to grant the application. Hence, following order.

#### **ORDER**

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.1008/2021, registered at Shahada Police Station, District Nandurbar, for the offences punishable under Sections 376(2)(L)(J) of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

**[ R. G. AVACHAT, J. ]**