

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1560 OF 2022

Kanifnath Ramchandra Orase ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ashok Misal for the Applicant.

Ms. M.M. Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 1 DECEMBER 2022

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 335 of 2021 registered at Akluj Police Station, for the offence punishable under Sections 376(2), 376(2)(l), 376(2)(j), 452, 504, 506 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, on 28th May 2021, the present applicant committed rape on mentally retarded girl.

5. The learned Counsel for the applicant submits that no injury was found during the medical examination of the prosecutrix. It is submitted that the applicant is in jail for more than 1½ years. It is submitted that further detention of the applicant is not necessary as the investigation is over. It is thus submitted that the applicant may be released on bail.

6. On the other hand, the learned APP for the State submits that the present applicant committed rape on mentally retarded girl. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of prosecutrix. She stated that the present applicant committed rape on her. Considering the facts and circumstances, I am not inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is rejected.
- (ii) However, as the applicant is in jail for more than 1½ years, hearing of the trial is expedited and the trial Court shall endeavour to conclude the trial as early as possible.
- (iii) Needless to mention that observations are prima facie.

(N.R. BORKAR, J.)