

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

BAIL APPLICATION NO.348 OF 2023

**VICKY @ BALU SHIVAJI WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. S. K. Chavan
APP for Respondent: Mr. S. P. Sonpawale

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CORAM : S. G. MEHARE, J.

DATE : 27.03.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.
2. The applicant has been arraigned as an accused of the offences punishable under Sections 376(2) (J), 376(2) (L) of Indian Penal Code.
3. A serious crime of committing a rape with mentally challenged girl has been registered against the applicant.
4. The learned counsel for the applicant would submit that the investigation has been completed. Nothing is to be recovered from the

applicant. There are no antecedents to his discredit. He has family responsibility. Therefore, he may be released on bail.

5. The learned A.P.P. would submit that the applicant did forcible sex with the girl who is not mentally sound. Since she shouted, the first informant reached on the spot of the incident and saw the applicant present. The victim was naked. When the first informant reached, the applicant fled away. The offence is serious. It is not a good case for bail. Hence, the application may be dismissed.

6. Perused the papers. It has been alleged that the applicant did forcible sex with a woman who is mentally unfit. The first informant reached on the spot of the incident and witnessed that the applicant did forcible sex with a mentally unfit girl. Apparently, the offence is serious. The punishment provided for such offence is severe. Considering the gravity of the offence, the application does not deserve to be allowed. Hence, the application stands dismissed.

(S. G. MEHARE)
JUDGE