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

BAIL APPLICATION NO.867 OF 2023

JITENDRA S/O RAMESH CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent/State : Mr. Y.G. Gujarati
...

CORAM : S.G. MEHARE, J.

DATED : JULY 04, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.883 of 2022 registered with MIDC Police Station, District Ahmednagar for the offence punishable under Section 376(D), 376(2)(L) r/w 34 of the Indian Penal Code.
3. The victim was the schizophrenia patient and left the shelter home and went to the place where the alleged incident happened. Primarily, her version was different from her last version. Her last version matched with the video in which the incident was captured. If the incident captured in the CCTV footage is considered, it would be difficult to believe that it was a forceful sex. A question that was raised is whether a mild schizophrenia patient be identified

by a naked eye or by a layman. The medical science says that it needs a long therapy and social and family support. It is incurable but if the treatment is continued, such patient may live a normal life. It seems to be an incident happened when the victim offered herself for the sex on consideration. Without going into the details, it seems that it was the incident happened due to the behavior of the prosecutrix. However, it is subject to the test before the trial Court. The overall facts supports the contention of the applicant that he deserve bail. That apart, the victim did not identify him in test identification parade. Nothing is to be recovered from him. He is a young boy of 18 years old. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Jitendra Ramesh Chavan, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each effective date.
- (iv) Needless to state that the observations as regards the schizophrenia condition of the victim is restricted for this bail purpose

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only. The trial Court should not get influenced with the findings of this Court in this application.

(S.G. MEHARE, J.)