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DATED : 3 APRIL 2023

P.C. :-

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. 83 of 2022 registered at Daund Lohmarg Police Station, for the offences punishable under Sections 376(2)(l), 354, 323 of Indian Penal Code and Section 147 of the Indian Railway Act, 1989.

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

4. The victim appears to be special child suffering from intellectual disability to the extent of 75%. According to the prosecution, on the date of incident which took place on 15 October 2022, as the mother of victim scolded her, she left the house and came to the Dadar Railway Station. From there she boarded Dadar-Chennai Express and sat in general compartment. It is alleged that the applicant who was in the said compartment had initially offered her food. He then took her inside the toilet of the said compartment and there committed rape on her.

5. I have perused the statement of the victim recorded under Section 164 of Cr.P.C. She has in no uncertain terms stated that the present applicant committed sexual intercourse with her. Apart from it, there are witnesses who had seen the applicant and the victim inside the toilet. Considering the overall facts and circumstances, I am not inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is rejected.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
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