



{1}

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

BAIL APPLICATION NO.45 OF 2025

Parasram @ Parshuram S/o Nivrutti Garude
Age: 52 years, Occu.: Labour,
R/o. Vadgaon Tanpura
Tal. Karjat, Dist.Ahmednagar

... Applicant

Versus

1. The State of Maharashtra
Through Police Station Officer
Karjat Police Station, Karjat
Dist. Ahmednagar.

2. X.Y.Z.

... Respondents

.....
Mr. Sudheer R. Zambare, Advocate for Applicant
Mr. V.M. Jaware, APP for Respondent No.1
Mr. Vijay B. Kale, Advocate for Respondent No.2
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 FEBRUARY 2025

PRONOUNCED ON : 18 FEBRUARY 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.389 of 2024, registered at Karjat Police Station, District Ahmednagar for offences punishable under Sections 376(2)(f)(j)(L) of the Indian Penal Code (IPC).

{2}

2. In support of relief, learned counsel for the applicant pointed out that FIR is lodged by wife of applicant, but it is against unknown person. Subsequently, allegations are made that present applicant has impregnated victim, who is deaf and dumb. Learned counsel submitted that informant herself has stated that victim is not in a position to make even gestures about the pregnancy. That, medical evidence does not support the prosecution case. That, there is belated reporting. That, now, investigation is almost over, and only D.N.A. report is awaited, and for that, according to learned counsel, further custody of applicant is not required.

3. While opposing the bail application, learned APP submitted that, victim is step daughter of informant. That, accused is the husband of informant, and that, victim, who was deaf and dumb, was noticed to be pregnant, and therefore, stepmother seems to have lodged report, however, in investigation, it shows that, applicant has impregnated to his own daughter. That, there is extra judicial confession. That, as the victim is deaf and dumb, he takes advantage of victim. Learned APP further submitted that, D.N.A. analysis is done, however, its report is awaited, and therefore, learned APP opposes bail application.

{3}

4. Learned counsel for the victim submitted that he has received affidavit from the informant confirming that she has no objection for grant of bail application.

5. Heard. Perused the papers. Informant approached Karjat police on 06.06.2024 reporting that, she resides with her husband and her step daughter i.e. victim. She has stated that on 01.06.2024, she realized that abdomen of victim is enlarged, and therefore, she took her to the Government Hospital at Karjat, and subsequently to Government Hospital at Ahmednagar, where after conducting sonography, on medical advice, victim was found carrying pregnancy of 25 weeks. She questioned about this to victim by making gestures, but victim was not responding, and therefore, crime appears to have been registered against unknown person.

5. Learned APP submitted that, it is revealed in the investigation that applicant is responsible for the pregnancy. D.N.A. samples are reported to be collected, however, its report is still awaited. Considering the above discussion, this Court is of the considered view that victim is differently abled, and therefore, relief as prayed cannot be granted and applicant can

{4}

prefer bail application after receipt of D.N.A. report, if he so desire. As on today, investigation is incomplete. Hence, the following order:

ORDER

Criminal Bail Application is rejected

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane