



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

941 BAIL APPLICATION NO. 1057 OF 2025

**DATTA MANIK GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Thorat R. D., Through Legal Aid
APP for Respondent/State: Mr. N. B. Patil
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 24.07.2025**

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 17.09.2024 in connection with Crime No.0257/2024, dated 17.09.2024, registered with Washi Police Station, District Osmanabad, for the offences punishable under Sections 64(2)(i), 64(2)(j), 64(2)(k), 137(2), 127(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 66(e), 67(a) of the Information Technology Act.

3] The case against the applicant is registered by a Police Officer stating therein that on 16.09.2024 the informant received information that in a closed room situated in Washi a women was illegally confined. After

receiving said information along with other police staff they raided the room and found a lady inside that room. The women confined in the room is mentally retarded. The Government Hospital Discharge Card shows that the women had mild to moderate mental intellectual disabilities. The applicant is stated to be owner of the said room. The victim is aged 27 years. It is stated that special teachers were called and using sign language the victim was questioned. In the inquiry it was revealed that the applicant has brought the women from Chembur and confined. It was also revealed that the applicant has committed rape on the victim. Considering the same, the crime is registered against the applicant. The applicant is arrested on 17.09.2024. The learned counsel for the applicant submits that there is no medical evidence indicating that rape is committed on the victim. He also submits that there are no other antecedents against the applicant, he is resident of the place and he be released on bail.

4] On perusal of the case papers it appears that the victim's 164 Cr.P.C. statement is recorded by the Magistrate in presence of the interpreter and special teacher from the mentally retarded school. In the course of the question and answers given the victim has stated that she was brought from Chembur and the applicant had brought her from there. That she is kept confined in the room, given food and on being asked what he has done by sign language she

would indicate that he has sexually molested her so also has committed sexual intercourse. The victim was kept confined and on receipt of information raid was conducted and the victim was found by the police confined in the room. The statement of the victim was recorded in presence of the Interpreter and Special Teacher from Niwasi Matimand Vidyalaya.

5] Considering the statement of the victim and the allegations being grave in nature no case is made out for grant of bail at this stage. However, in the event, trial does not proceed, liberty granted to the applicant to revive the bail application after one (01) year.

6] The application stands disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

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