



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2222 OF 2024

Deepak Manohar Palwade,
Age : 35 years, Occu. : Agriculture,
R/o. Banpimpla, Tq. Gangakhed,
Dist. Parbhani.

... Applicant
(Accused No.1)

Versus

1. The State of Maharashtra,
Through Officer In Charge,
Police Station Gangakhed,
Dist. Parbhani.

2. The Superintendent of Police,
Parbhani, Dist. Parbhani.

... Respondents.

.....
Mr. S. J. Salunke, Advocate for the Applicant.
Mr. C. V. Bhadane , APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 21.03.2025

Pronounced on : 25.03.2025

ORDER :

1. Applicant seeks grant of regular bail in Crime No. 0241 of 2024 registered at Gangakhed Police Station, District Parbhani for offences punishable under Sections 376(2)(f), 376(2)(l), 376(d), 354, 354A of of Indian Penal Code.

2. Pointing to the date of arrest as 24.04.2024, learned counsel submitted that, there is false implication. That, victim is major. That, there is no convincing eye witness account about alleged act. That, applicant was merely allegedly seen fleeing. That, witnesses whose statements are recorded are not consistent. That, there is no medical corroboration of any recent occurrence. That, old tear is noticed. That, now investigation is over and charge sheet is already filed in June 2024 itself. Thus, according to learned counsel, when no purpose is served by continuous detention, he seeks grant of bail on any conditions deemed fit by this court.

3. Learned APP opposed on the ground that serious offence is committed. That, victim is mentally retarded. That, there is eye witness account. That, statements of witnesses are recorded under sections 164 of Cr.P.C. which are consistent. Learned APP pointed out that even statement of victim is recorded and he invited attention of the court to the answers to question nos. 10, 11 and 12. That, apprehending misuse of the liberty learned APP has strongly opposed the bail application.

4. Heard. Perused the FIR dated 23.04.2024 at the instance of one Bhaurao Palwade, who is brother of victim. He reported police

that, he has a sister who is mentally retarded. That, on 22.04.2024, when he reached house of his cousin i.e. present applicant, he heard his sister talking loudly and so he went near the tin shed. He saw present applicant in half necked condition having sexual intercourse with his sister and near him Babasaheb was fondling the breast of his sister and he saw informant watching them and so he raised alarm and they both fled. Informant claims to have asked his sister, who told that she was offered biscuit by present applicant and then made to sleep, stripped and had sexual intercourse with her. On above report, crime has been registered. Therefore, apparently there is eye witness. Statement of victim is recorded in question answer form. Went through the answers given by her, taking mental condition of victim into consideration and the alleged act, though investigation is over, this court is not inclined to grant bail.

5. The application stands rejected.

[ABHAY S. WAGHWASE, J.]