



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 387 OF 2025

Vasanta Shriram Vanjari Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.M. Khan, counsel for the applicant.

Mrs.M.A. Barbde, APP for non-applicant/State.

Ms. Garima Jain, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/07/2025.

1. The applicant came to be arrested on 03/10/2024 in connection with crime no. 751/2024 registered with Police Station Darwaha, Tq. Darwaha, district Yavatmal for the offence punishable under Section 64, 62(2)(k), 333 of Bhariya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by the informant mother of the victim girl on an allegation that the victim girl, who is mentally retarded girl aged about 32 years, was subjected for the forceful assault by the present applicant by entering into the house. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that there was a consensual relationship between victim and the present applicant. As far as the

statement of the witnesses are concerned, which are false and baseless. He submitted that, considering the nature of the relationship and victim, who is a major woman, further custodial interrogation of the present applicant is not required.

He further invited my attention towards the medical certificate and submitted that the medical certificate itself shows that she was conscious and well oriented. Thus, she is aware about the fact of a sexual assault on her, and the certificate i.e. she is mentally retarded cannot be considered at this stage, unless it is proved by the prosecution, in view of that, applicant be released on bail.

4. Leaned APP and learned counsel for the victim strongly opposed the said application and submitted that, the applicant was seen in the house of the victim by the various eye-witnesses. Thereafter, some of the eye-witnesses have witnessed the present applicant running away from the spot. Victim is an intellectually disabled woman and therefore, her consent is not relevant. There is a medical evidence also, as far as the sexual assault on her is concerned. In view of that, the prima-facie case is made out against the present applicant. The application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that victim is 60%

intellectual disabled woman subjected for the forceful sexual assault by the present applicant. The medical certificate also supports the same as fresh tear was seen at 2 and 11 O'clock position. The eye-witnesses whose statements are recorded, have seen the present applicant in the house in a compromising position.

Considering the prima-facie material against the present applicant, at this stage, the bail application deserves to be rejected. Accordingly, I proceed to pass the following order.

- a] Criminal application is **rejected**.
- b] The fees of the appointed counsel be quantified as per Rule.

[URMILA JOSHI-PHALKE, J.]