



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

CRIMINAL APPLICATION (BA) NO.1225 OF 2024

Raju Ramuji Bhalavi

Vs.

The State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.D. Hajare, Counsel for the applicant.
Ms Mrunal Barbade, APP for non-applicant No.1/State.
Ms Mohini Sharma, Counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/03/2025

1. The applicant came to be arrested in connection with Crime No.203/2023 registered with Police Station, Koradi District Nagpur City, for the offence punishable under Section 376(2)(I) of the Indian Penal Code (for short, 'I.P.C.').

2. The crime is registered on the basis of the report lodged by mother of the victim. The victim who is aged about 28 years on an allegation that the victim, who is mentally retarded girl was subjected for the forceful sexual assault by the present applicant. On the basis of the said report police have registered the crime. After completion of the investigation the charge-sheet is filed.

3. Heard learned Counsel for the applicant who submitted that the applicant is falsely implicated in the present case. In fact there is no material to

connect the present applicant with the alleged offence. Now investigation is already completed. Charge-sheet is already filed. further incarceration of the applicant is not required.

4. Learned APP and learned Counsel for the victim strongly oppose the same on the ground that a mentally retarded girl was subjected for sexual assault which is witnessed by one eye witness. In view of that the application deserves to be rejected.

5. After hearing both the sides and on perusal of investigation papers, it reveals that the victim is a mentally retarded girl who had been gone to answer the nature's call along with one other witness. At that time present applicant was seen sitting on her person and this incident is witnessed by one eye witness. Injuries also found on her person. Considering the direct evidence against the present applicant his involvement is established and considering the fact that a mentally retarded girl was subjected for sexual assault by the present applicant prima-facie case is made out against the applicant. Accordingly the application is rejected.

6. The fees of appointed counsel for victim be quantified as per rules.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)