

N.S.Kamble

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1093 OF 2025

Ajmuddin Baba Pathan

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

NILAM
SANTOSH
KAMBLE

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Date: 2026.02.04
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Ms.Ekta Patil i/b Mr.Prashant Hagare, for the Applicant.
Mr.B.B. Kulkarni, APP for Respondent-State.
Ms.Sandhya Mailagir, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th JANUARY, 2026

P.C.:

1. By this Application, the Applicant is seeking regular bail in Crime No.354 of 2024 registered with Walchandnagar Police Station, Indapur, District-Pune, Sections 64, 64(2)(i), 64(2)(k) Bhartiya Nyaya Sanhita, 2023 ('BNS' for short) and under Section 92(a) and 92(d) of The Rights of Persons with Disabilities Act, 2016.

2. It is prosecution's case that the First Informant's daughter is is 90% mentally retarded. The Applicant is neighbor of the First

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Informant. On 22nd September 2024, around 4.00 p.m., when First Informant returned home after chores, her daughter was nowhere to be seen. She went outside in search of her daughter and found the Applicant bringing her out of the bathroom of neighboring Masjid. On being questioned, the Applicant quickly left. Thereafter, First Informant brought the victim back to the house and checked her clothes. She found the victim bleeding from her private part and noticed blood stains on her gown. Thereafter, complaint was lodged against the Applicant.

3. It is contention of learned counsel for the Applicant that the Applicant is 80 years old. He has been falsely implicated in this case. The Applicant is behind bars for more than one year. There is no progress in trial, and requested to allow the Application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the victim is 90% mentally retarded. By taking undue advantage of the fact, the Applicant took the victim to a bathroom of the neighboring Masjid in absence of First Informant and sexually assaulted her. The First Informant found the victim bleeding from her private part and noticed blood stains on her gown. The

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medical report also supports the prosecution case. The maximum punishment for the offence applied against the Applicant is life imprisonment. The Applicant is the neighbor of the First Informant. If the Applicant released on bail, he may abscond or threaten Victim, First Informant and prosecution witnesses, and requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

6. The victim is 90% mentally retarded. The First Informant saw the Applicant bringing the victim out of the bathroom of the neighboring Masjid. When she brought her back to the house, she noticed blood stains on the clothes of the victim and found her bleeding from her private part. The medical report also supports the prosecution case.

7. Considering these facts, I pass following order.

ORDER

(i) The Application is rejected.

(SHIVKUMAR DIGE, J.)