

Order Below Ex.1.

1] Perused application. Perused report of Assistant Superintendent Dist. Court, Pune dated 11.09.2017. Heard Advocate for applicant.

2] The application is filed by applicant under section 167(2) of Cr.P.C. for releasing him on bail. Applicant was arrested by police of Lonikand police station on 11.06.2017 for offences punishable under sections 363,376 of Indian Penal Code and under sections 4 of Protection of Children from Sexual Offences Act in C.R. no. 412/17. Accused is in judicial custody since 19.06.2017. Major offence in this crime is offence punishable under section 376 of IPC for which punishment is imprisonment for life. On 11.09.2017 statutory period of 90 days for filing charge-sheet is over. On 11.09.2017 about 92 days lapsed from the production of the accused before this court. The accused is in judicial custody for more than 90 days. No other application is filed by accused and he prayed to release him on bail.

3] Report of Asst. Suptd. dated 11.09.2017 shows that till today charge-sheet is not filed against this accused. Advocate of applicant submitted that after period of 90 days charge-sheet is not filed, therefore, accused gets indefeasible right to release on bail. This court has to see the position of 11.09.2017 on which definitely charge-sheet was not filed though period of 90 days lapsed.

4] Record shows that offences leveled against accused are serious. However, due to non filing of charge-sheet within prescribed period, there is no alternative but to release

accused on bail. Considering above reasons, nature of offence, application deserves to be allowed with following order -

ORDER

- 1] The application is allowed.
- 2] The applicant Dipak Dhanaji Jagtap be released on his executing P. R. bond of Rs.50.000/, with one or two solvent sureties in the like amount
- 3] Applicant shall attend each date of the court without fail.
- 4] He shall not tamper with the prosecution evidence and shall co-operate the investigating agency as and when required.
- 5] He shall produce the documents of his permanent residence at Pune and shall not change the address.
- 6] He shall not meet victim and shall not enter into the vicinity of house of the victim.
- 7] Prior to furnishing surety, applicant to submit his permanent residence proof.

Pune.

(R.V.Adone)

Date – 13.09.2017

Addl. Sessions Judge, Pune2

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno - S.V.Thakar,

Court Name - R.V.Adone, Addl. Sessions Judge,
Pune.

Date of order - 13.09.2017

Order signed by P.O. - 13.09.2017

Order uploaded on - 21.09.2017

