

**Cri.Bail Appln.no.2103/16****Order below Ex.1.**

The applicant has moved this court under Sec.167(2)

(a) (i) of The Code of Criminal Procedure for grant of bail.

2] It is contended that the applicant came to be arrested by police on 16.03.2016 of the offences punishable under Sections 363,376,323,504 of Indian Penal Code and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012. The police have not filed the charge-sheet even after expiry of 90 days. So it is a right of the accused to get released under said section. Hence, this is the application.

3] Say is filed by the prosecution. It is submitted that no charge-sheet is submitted till this date.

4] So even after 90 days ie till 16.06.2016 the charge-sheet has not been filed by the police for the reasons whatsoever. One thing is clear that, the right of the accused for bail under Sec.167(2)(a)(i) of The Code of Criminal Procedure is a indefeasible right of the accused. Hence, in my view the applicant is entitled to be released on bail. With this, I proceed to pass the following order.

**ORDER**

1] Application is allowed.

2] The applicant Ramesh Dashrath Mandukar be released on his executing P. R. bond of Rs. 30,000/, with one solvent surety in the like amount

3] He shall not tamper with the prosecution evidence and shall co-operate the investigating agency as and when required

until charge sheet is submitted.

4] He shall produce the documents of his permanent residence at Pune and shall not change the address until the trial is over..

Pune.

(Mangala J. Dhote)

Date:- 17.06.2016

Additional Sessions Judge, Pune.

“ 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 - Mangala J Dhote, Additional Sessions  
Judge, Pune.

Date of order - 17.06.2016

Order signed by P.O. - 17.06.2016

Order uploaded on - 18.06.2016

