

1.

Cri. Bail No. 209/ 2018 Exh.1.
(CNR-MHKO060005972018)

CRI. BAIL APPLN. NO. 209 /2018
(CNR-MHKO060005972018)

ORDER BELOW EXH. 01.

The application is u/s. 439 of Cr.P.C. for bail from C.R. No.182/2018 registered with Shirol Police Station of the offence punishable u/s. 376(2)(i), 506 of I.P.C. and Sec.4,8, 12 of the Protection of Children from Sexual Offences Act.

2] Heard learned counsel for the applicant and learned A.P.P for the State. Perused the application and say Exh.4 and investigation papers.

3] The gist of prosecution case is that, since April, 2018 till 08.10.2018 at about 04.00 a.m. at the house of informant and public toilet at Nandni Naka, Dharangutti, the accused committed rape on minor victim girl threatening her on the point of knife and giving threats to kill her parents. About it the mother of victim girl lodged complaint against the accused. On the basis of F.I.R. the applicant is arrested on 11.10.2018. Since then the applicant is in the custody.

4] The applicant claim to enlarge him on bail on the ground that, he is innocent and false complaint is filed. The applicant was working on construction of informant's house as labour. The informant not paid his wages. When he demanded the wages false case is lodged against him. The F.I.R. is lodged belatedly. No offence of rape reveals from medical papers. No recovery is to be

made at the instance of applicant. He is permanent resident at given address. His whole family is depending on him. Since 11.10.2018 he is in custody. Investigation is complete and charge sheet is submitted. Now his further detention is not necessary. Applicant has no criminal antecedents. He will abide any bail condition. On aforesaid grounds the applicant prayed to enlarge him on bail.

5] In response to show cause notice the prosecution submitted say Exh.4 through A.P.P. and strongly objected to grant bail on the ground that, the offence of rape is committed against the minor girl. The informant, victim and accused are from same community. There is possibility of pressurizing the witnesses and tampering of evidence by the accused. On aforesaid grounds the State has strongly objected to release the applicant on bail.

6] I have gone through police papers on record. It reveals that in the investigation statements of witnesses are recorded. Panchanama is recorded. Cloths of the victim and accused are attached by recording panchanama. Statement of victim and informant is recorded u/s.164 of Cr.P.C. Medical examination of victim and accused is also carried out. On perusal of police papers it appears that since 11.10.2018 the applicant is in jail. It also appears that after completion of investigation charge sheet is submitted against the accused. Hence, now further detention of applicant in jail is not needed. Presently no recovery at the hands of applicant is remained. So considering the investigation papers the applicant is entitled to be enlarged on bail on certain conditions. In the result, I pass the following order :-

ORDER

1] Application is allowed as under :-

2] Applicant/accused Santosh Ganesh @ Ganpati Jadhav, R/o. Laman Vasahat Zopadpatti, Dharangutti, from C.R. No.182/2018 registered with Shirol Police Station of the offence punishable u/s. 376(2)(i), 506 of I.P.C. and Sec.4,8, 12 of the POCSO Act, be released on execution of surety PB. and S.B. Rs.25,000/- with one or more sureties.

3] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such a facts to the court or to any police officer to tamper with the evidence.

4] Issue writ accordingly.

Dt. 14-12-2018.

Sd/-
(A.P Kanade),
Special Judge, Jaysingpur.