

ORDER BELOW EXH.1

1] Perused report filed under section 169 of Code of Criminal Procedure. After receiving that report notice was issued to original complainant. Original complainant appeared and submitted that she has filed complaint due to misunderstanding. Now she has no grievance against accused. Accordingly, she gave her statement before police of Jejuri Police Station.

2] Heard A.P.P. for State. Report is filed by P.S.I. Jejuri Police Station stating that during investigation of this crime on 24.12.2018 original complainant filed affidavit which was executed before Assistant Superintendent, Criminal Court, Saswad. In that affidavit she stated that victim i.e. her daughter went for playing and nobody committed forcible sexual intercourse on victim. She filed report only at the instance of people.

3] Moreover, statement of victim and first informant is also recorded before Judicial Magistrate First Class under section 164 of Code of Criminal Procedure. In that statement they denied allegations against both accused particularly accused Sachin Ramchandra @ Ramdas Kachare. They stated that accused Sachin Kachare never committed forcible sexual intercourse with victim by forcibly taking her in land property.

4] Previously vide order dated 14.12.108 bail was granted to accused no.2 Yuvraj Dhula Thombare and bail application of main accused Sachin Ramchandra @ Ramdas Kachare was rejected. At that time medical report and other papers were considered and bail was rejected to main accused. However, at present report under section 169 of Code of Criminal Procedure is filed stating that original complainant lodged report due to misunderstanding. Once report under section 169 of Code of Criminal Procedure is filed before the Court, Court has to accept that report and release accused on the basis of that report. Therefore, due to subsequent statements before Magistrate and before police of first informant and victim,

there is no alternative but to accept report under section 169 of Code of Criminal Procedure. Another accused is already released on bail. Therefore, in view of gravity of the offences levelled against the accused and as per provisions of section 169 of Code of Criminal Procedure, it is proper to accept some surety from main accused. Hence, following order is passed-

ORDER

- 1] Report under section 169 of Code of Criminal Procedure is accepted.
- 2] Accused no.1 Sachin Ramchandra @ Ramdas Kachare and accused no.2 Yuvraj Dhula Thombre be released forthwith.
- 3] Accused no.2 Yuvraj Dhula Thombare has already furnished surety. Accused no.1 Sachin Ramchandra @ Ramdas Kachare is directed to furnish surety i.e P.R. and S.B. of Rs.15,000/- along with address proof.
- 4] Application accordingly disposed off.

Pune.
Date – 05.01.2019.

(R.V.Adone)
Addl.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	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 05.01.2019
Order signed by P.O.	- 05.01.2019
Order uploaded on	- 07.01.2019