



Sessions Case No. 21/2024
State X Devidas Raut
CNR–MHBU04-000339-2024

ORDER BELOW EXH. 49

Date of Order : 02nd August, 2025.

This is the second regular bail application after filing charge sheet, preferred by applicant/accused Devidas Ganpat Raut, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 246/2024 registered with Shivaji Nagar Khamgaon Police Station for the offences punishable under Sections 354, 452, 506, 376 of the Indian Penal Code, 1860.

2. Learned A.P.P. Mr. S.B. Ingle has resisted the application by filing say at Exh. 62. It is contended that, after examination of complainant and victim there is sufficient evidence against the accused. The previous bail application has been rejected by this Court. There is no change in circumstances. Alleged offence is serious offence. The prosecution is ready to help in speedy disposal. Hence, he requested to reject the application.

3. Notice was issued to the victim, but, she did not appear.

4. Learned Advocate Mr. R.S. Tathe, on behalf of applicant/accused has submitted that, since 10/10/2023 applicant is behind the bar. Prosecution has examined

material witnesses. He submitted that applicant/accused is ready to abide by all the terms and conditions of bail if he released on bail. Considering all these aspects, prayed for releasing the applicant/accused on regular bail.

5. Learned A.P.P. Mr. S.B. Ingle argued as per say Exh. 62 and urged to reject the application.

6. I have considered the submission of both side. Perused the application, say filed by the prosecution, charge sheet and documents on record.

7. After perusal of charge-sheet, it shows that on the basis of report dated 22/08/2023 filed by the informant a 53 years old woman, Shivaji Nagar Police Station has registered the offence No. 246/2023, under Sections 354, 452, 506 of the Indian Penal Code, 1860. Accused was arrested and released on bail by the J.M.F.C., Court Khamgaon. After recording of subsequent statement of victim, she has narrated about forcible sexual intercourse by the accused. So offence, under Section 376 of the I.P.C. was registered. Again accused was arrested. The medical examination of the victim and accused was done. The clothes of accused and victim seized. After completion of investigation police have submitted the charge sheet.

8. Medical examination report of victim shows that at the time of her examination, she has cleaned her clothes and she had taken bath and passed urine/stools to medical examination of victim is done after four days from the alleged incident. Because, by the time victim has not spoken anything about sexual assault. Biological samples of the victim are also taken by Medical Officer. Medical examination report shows that hymen of the victim is torn completely. Prima facie this findings is indicative of sexual assault by the accused on the victim. Till today prosecution has examined total eight witnesses and the trial is about to conclude, therefore, I do not find any substance to release the accused on bail considering the nature and gravity of offence. Hence, application deserves to be rejected. In result, I pass the following order :-

ORDER

The application Exh. 49 is rejected.

Khamgaon.
Date – 02/08/2025.

(Ganesh B. Jadhav)
Additional Sessions Judge,
Khamgaon.

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State X Devidas Raut
ORDER ON EXH. 49

CERTIFICATE

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of the Court : Additional Sessions Judge,
Khamgaon.

Name of the Stenographer : Miss H.D Chaudhari,
Stenographer Grade I.