



**ORDER BELOW EXH.05 IN SPECIAL CASE NO.66/2020**

State of Maharashtra Vs.Rajesh Dattu Rathod

CNR MHBU04000814-2020

This is second application for regular bail as per Section 439 of the Code of Criminal Procedure, 1973 upon change in circumstances. Heard advocate Mr.S.A.Gaigol for accused No.2. He submitted that in Crime No.237/2020 registered with Khamgaon Rural police station, for the offences punishable under Sections 354, 294 etc. r/w Section 34 of the Indian Penal Code and Sections 3(1)(w)(i)(ii) of the S.C.S.T. (Prevention of Atrocities) Act,1989, accused is behind the bars since 6.8.2020. He has undergone custodial interrogation and now he is in judicial custody. Investigation is completed. Charge-sheet is before this Court. His further presence is not required for investigation. Allegations against him are not so serious. Accused is ready to obey with all the conditions those may be imposed upon him. He is ready to furnish surety. Main accused is already released on bail by this Court. Therefore, he prayed for his release on bail subject to conditions.

2] APP Mr. Apte by filing say at Exh.7 resisted the application. He submitted that at the relevant time, accused came in front of house of the informant lady and has abused her and also manhandled her by giving threats.The informant lady is

widow having no male member in the family. Accused is her neighbour. If he is released on bail then he is likely to repeat such act and also likely to threaten the witnesses. Alleged offences are serious. Therefore, he submitted that application may be rejected.

3] Notice was issued to the informant. She appeared and filed her protest petition at Exh.8 with similar contents. In addition, she has stated that till completion of investigation, accused may not be released on bail. If he is released on bail then there is danger at his hands to their family. She also prayed for rejection of application.

4] Accused came to be arrested on 6.8.2020. Alleged offences are not punishable with death or imprisonment for life. Investigation is already completed and charge-sheet is before this Court. Main accused is already released on bail.

5] Accused is ready to obey with all the conditions those may be imposed upon him. He is ready to furnish surety. Therefore, there is no reason to keep him behind the bars. Apprehension of the prosecution and informant regarding tampering of evidence can be taken care of by imposing suitable conditions. If some stringent conditions are imposed upon accused, it would serve the purpose. Hence, the following order.

### **ORDER**

1.	Application is allowed.
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2.	<p>Accused No.2 Rajesh Dattu Rathod be released on bail upon his executing P.R.Bond of Rs.25,000/- (Rs.Twenty five thousands) with one solvent surety in the like amount on following conditions;</p> <p>i) that he shall attend Khamgaon Rural police station, on every 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month in between 11.00 a.m. to 12.00 noon until further orders,</p> <p>ii) that he shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any Police Officer,</p> <p>iii) that he shall not tamper with the evidence of prosecution in any manner,</p> <p>iv) that he shall not make contact in any manner with the informant and witnesses,</p> <p>v) that he shall furnish his current address proof and latest photograph so also his mobile phone number to the police,</p>
3.	<p>Failure to obey any of the conditions above, would be liable for cancellation of bail granted to accused.</p>
4.	<p>Inform Khamgaon Rural police station, accordingly.</p>
	<p>(Order is dictated and pronounced in open Court.)</p>

Khamgaon  
Date:21.10.2020

**(R.D.Deshpande)**  
Addl.Sessions Judge,  
Khamgaon

Dictated on	21.10.2020
Transcribed and typed on	21.10.2020
Checked and signed on	21.10.2020
Uploaded on	21.10.2020
Transcribed, typed and uploaded by	Dhananjay V. Matre, Stenographer (Grade 1)