

CNR No. MHCH01-002586-2023

Order below Exh.34 dtd. 03.01.2024

In

(Attro.) Spl. Case No. 178/2023

(State Vs. Jitesh @ Golu)

The applicant/accused No.3 Manoj has moved this application U/sec. 437 r/w sec. 439 of the Code of Criminal Procedure 1973 (hereinafter referred as "Cr.P.C") for grant of regular bail in connection with Crime No.335/2023 for the offences punishable under section U/sec. 363, 366, 376 (2) (I) r/w Sec. 34 of the Indian Penal Code and U/sec. 3 (2) (va) of Atrocities Act, registered with Nagbhid Police Station.

2. The prosecution case in nutshell is as follows:- The informant is the mother of the victim girl. It is the case of the prosecution that the victim girl is of 19 years and she is deaf and dumb, since her birth. The victim works with her parents as labourers. On 09.09.2023, the victim and her parents went for work, but on that day as there was insufficient work, the victim and her father, returned at home. When the informant came at her home on 6.00 pm, she found that the victim, was not at home. The family members of the informant took search of the victim, but in vain. In the evening, the friend of the son of informant, told that he had seen the victim going on the motorbike of Jitesh Kumare/Accused no.1 and Pratik Pramod Nanhe/accused no.2, was also with them. The son of the informant told that victim would chat with Jitesh Kumare on mobile phone. On 10.09.2023, at around 1.00 pm, the victim returned at home and told informant in her sign that Jitesh and

Pratik had taken her on motorbike and left her back on 10.09.2023. Based on this information, initially FIR under section 363, 366 r/w section 34 of IPC came to be registered against the accused persons.

3. On behalf of accused No. 3/Manoj, it is submitted that he is innocent and has no nexus with the offence. In the entire charge-sheet, there is no incriminating evidence against accused No. 3. No role is attributed to accused No. 3. He is sole breadwinner of his family. It is prayed that the accused No. 3 be enlarged on bail.

4. Say of prosecution was called which is tendered below Exh. 34 that the offence is serious of penetrative sexual assault. Hence, the bail application be rejected.

5. Vide Exh. 36, the intervener has objected the bail of accused No. 3 on the ground that if, the accused No. 3 is granted bail, he may pressurize the victim.

6. Heard learned advocate for both the sides. Both of them submitted in tune with their respective pleadings.

7. I have perused the charge-sheet. It is rightly submitted on behalf of accused No. 3 that *prima facie* there is no specific role attributed to accused No. 3. It is the matter of record that accused No. 2 is granted bail. Hence, law of parity can be applied to accused No. 3. Upon imposing appropriate stringent conditions, I find that this is a fit case for consideration of bail. Hence, I pass the following order.

:: ORDER ::

1.	Application is allowed.
2.	Applicant/Accused No. 3 Manoj Pandurang Gedam be released on bail on his executing PB and SB of ₹.50,000/- (Rupees Fifty thousand only) with one or more solvent surety, in the like amount, in connection with CR No.335/2023 for the offences punishable under section U/sec. 363, 366, 376 (2) (1) r/w Sec. 34 of the Indian Penal Code and U/sec. 3 (2) (va) of Atrocities Act, registered with Nagbhid Police Station on the conditions that:-
i)	He should attend Nagbhid Police Station on every first Sunday of every month between 10.30 a.m. to 2.30 p.m. till conclusion of trial, commencing after one month of this order.
ii)	He shall not tamper with prosecution evidence and witnesses in any manner.
iii)	He shall not enter the jurisdiction where the victim resides till the trial is over.
iv)	He shall furnish his mobile number & postal address to the Investigating officer and shall not change or discontinue with the mobile number provided to Investigating officer till the conclusion of the trial.
v)	He shall not leave India without prior permission of trial court till conclusion of trial.
vi)	Violation of any of aforesaid mentioned conditions would result in cancellation of bail.
3.	Bail Application stands disposed of accordingly.
4.	Inform Nagbhid police station accordingly.
5.	Applicant be informed about this order by e-mail through Superintendent, District Prison, Chandrapur.

Chandrapur.
Date : 03/01/2024.

(A. D. Deo)
Addl. Sessions Judge,
Chandrapur.