



IN THE COURT OF SESSIONS JUDGE, GADCHIROLI
(Presided over by Shri V. R. Joshi)

Sessions Case No.50/2022

Exhibit No.18

State of Maharashtra vs. Hiranman Ushtu Kodap

O R D E R (Below Exh.18)

(Passed on : 18th March 2025)

1. This is an application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023/439 of the Code of Criminal Procedure for grant of bail.
2. Accused is prosecuted for offence punishable under Sections 376, 511, 354, 354-B, 458, 323, 504, 506 of the Indian Penal Code registered at Police Station, Dhanora, District Gadchiroli.
3. This is his second bail application after filing of the charge-sheet. His previous bail application (Exh.2) was rejected by order dated 13.1.2023.

Brief facts are as under :-

4. The victim is married, she resides with her two sons, one of them is disabled. On 9.3.2022 in the night at about 9.00 p.m., victim was in the home with her disabled son. During the night, she slept and after sometime felt that somebody was pulling her down by

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holding her hand. It was the accused who dragged her from her house pulling her hair. He insisted for sexual favour, he tried to remove her clothes, he kicked her when she resisted, he tried to throttle her neck. She became unconscious. When she regained consciousness, she found her clothes on her body were missing.

5. Heard Shri Bramhanwade, learned Advocate for the accused. He referred to the material in the charge-sheet. His basic submission is that the accusation of rape/sexual intercourse is baseless and false. He pointed out that in the statement under Section 164 of the Criminal Procedure Code, the victim did not allege of sexual intercourse. Medical evidence, medical history and chemical analyzer's report also do not support such accusation. As per the version of the informant's son, he had already arrived at the scene of occurrence. He further submitted that there is likelihood of false exaggeration in the complaint as the informant knew only "Gondi" language and not "Marathi" language.

6. On the other hand, the learned Additional Public Prosecutor Shri Kumbhare emphasized that the accused's application was already rejected on merits after filing of the charge-sheet. Charge is already framed. The prosecution is ready to examine the informant/victim before the Court and only thereafter the Court could have a better idea about accused/applicant's entitlement for bail.

7. Having considered the submissions and having perused the charge-sheet, it appears that the victim has alleged of criminal force and violence, attempt to remove her clothes, insistence of

accused for sex. While rejecting the previous application, this Court found that *prima facie* involvement of the accused in this serious offence is made out. The Court has already framed charge. Matter is ready for trial. This Court agrees with the submission that it is better to proceed with the trial. The application is liable to be rejected as there is no change in the circumstances since last rejection except that trial has not commenced yet, which prosecution is ready for. Hence, following order :

ORDER

Application (Exh.18) is rejected.

Gadchiroli
18th March, 2025

(V. R. Joshi)
Sessions Judge, Gadchiroli