

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, GADCHIROLI
(Presided over by Rajendra N. Mehare)

Sessions Case No.151/2019

Below Exh.3.

State of Maharashtra

Through Police Station Officer,
Police Station, Chamorshi,
District : Gadchiroli

.. **Non-applicant**

..versus..

Kanai Ashutosh Bishwas + 2

.. **Applicants/Accused**

ORDER (Below Exh.3)

(Passed on this 3rd day of March 2020)

1. Instant application has been filed by applicants/accused no.1 to 3 for grant of regular bail inter-alia contending that offence bearing Crime No.368/2019 relating to offence under Sections 363, 354, 354(a), 366, 368, 370, 376, 376(2)(N), 506 read with Section 34 of Indian Penal Code has been registered at Police Station, Chamorshi, Dist.Gadchiroli. In the said case, it is alleged by prosecution that all applicants/accused persons kidnapped first informant/victim, took her at Mumbai, outraged her modesty and committed rape on her. Said allegation has been stoutly denied by present applicants/accused. Charge-sheet is already filed. Accused persons will abide conditions, in case, bail is granted to them. Charge-sheet does not disclose allegations so as to make out the case against present accused for above stated offences. On the basis of mainly these grounds, lastly it is prayed for being granted bail.

2. Learned Public Prosecutor has opposed bail application on the ground that serious allegations of kidnapping and committing rape on victim by accused/applicant Kanai are made against applicants/accused.

There are every chances of misusing bail by present applicants, in case, bail is granted to them. As such, there is no legal ground to allow the bail application. Lastly, it is prayed for rejecting the bail application.

3. I have heard learned Counsel of applicants and learned P.P. Perusal of record, it will find that allegations made against applicants/accused appears to be well founded. Allegations against accused persons appear to be supported by material placed on record with charge-sheet. There appears to be involvement of all applicants/accused persons in the present case. Serious allegations are made against applicants/accused about committing rape and kidnapping of the victim woman in furtherance of common intention with each otherd. In above described facts and circumstances, if applicants/accused are released on bail, then there are every chances of misusing the bail and creating hurdle in the progress of trial. As such, in this situation, according to me, at present, applicants/accused are not entitled to bail. Therefore, their bail application is liable to be rejected. In the result, following order is passed.

ORDER

Application (Exh.3) is rejected.

Date : 03.03.2020

(R. N. Mehare)
Additional Sessions Judge,
Gadchiroli.