



Order below Exh. 4 in Sessions Case No.226/2019.
{ State Vs. Rohit @ Khushal Sunil Jagtap }

This is second application moved by the applicant/accused under section 439 of the Criminal Procedure Code for enlarging him on bail in Crime No.143/2019 registered at Manmad City Police Station, District Nashik for the offence punishable under section 354 of the Indian Penal Code and section 8 of the Protection of Children From Sexual Offences Act.

2. Perused the application, say at Exh.6 and the charge sheet. Heard the learned advocate for the applicant/accused and the learned A.P.P. for the State.

3. The learned advocate for the applicant argued that this second bail application moved by the applicant under section 439 of the Criminal Procedure Code and his earlier application No. 465/2019 came to be rejected by this Court with the observation that investigation was in progress and there were chances of tampering prosecution evidence. It is submitted that custodial interrogation of the applicant is over. It is submitted that maximum punishment for the offences is up to 5 years. It is submitted that no similar offence is registered against the applicant. Thus, urged to enlarge applicant on bail by imposing stringent conditions.

4. The learned APP for the State argued that there are offences registered against the applicant at different police stations.

It is submitted that recently the applicant is enlarged on bail in Crime No.136/2018 registered at Manmad police station for the offences punishable under sections 302, 307 r/w 34 of the Indian Penal Code. It is submitted that considering criminal background of the applicant, if he is enlarged on bail, he may commit similar offence and may tamper the prosecution evidence. Thus, urged to reject the application.

5. There is no doubt that since 22.09.2010 the applicant is in custody. His custodial interrogation is over. Moreover, investigation is over and the charge sheet is filed. Considering the nature and gravity of the offence, I do not find any reason to detain the applicant further in jail. If the applicant is enlarged on bail by imposing stringent conditions, the purpose would be served. Thus, I pass the following order.

ORDER

- 1 Application is hereby allowed.
- 2 Applicant be enlarged on P.R. & S.B. of Rs.15,000/-.
- 3 Applicant shall not enter within the jurisdiction of Manmad city till the trial is over and shall not, in any way, tamper the prosecution evidence, failing which the prosecution may move for cancellation of bail.

27th November, 2019.

(B.S. Mahajan)
Additional Sessions Judge-2,
Malegaon, District Nashik.