



ORDER BELOW EXH. NO. 18 IN
SPECIAL CASE NO. 324/2023

01. Read application and say of prosecution. Victim / complainant served by notice. She remained absent. No say order passed against her. Perused the charge sheet. Heard, both advocates.

02. This is second bail application under Section 439 of the Code of Criminal Procedure, 1973 by accused no. 01.

03. C.R.No.232/2023 is registered against this accused no. 01 and some other accused persons in Palus police station. Police arrested this accused no. 01 on 08.10.2023. At present he is in judicial custody. Allegation of the prosecution is that victim in this case is minor girl of 16 years. On 03.10.2023 accused no. 01 kidnapped victim when she was returning from collage. He took her to Morale, then Pune and then to Mardi, Tal. Man, Dist. Satara. During this period he committed forcible intercourse with victim. Therefore, crime registered.

04. In this application it is say of this applicant that, he is innocent. He has been falsely implicated. The story put-forth in complaint is not probable and acceptable. There was love affair between this accused no. 01 and the victim girl. Victim herself went out of the house. This accused no. 01 has not committed any intercourse with victim. Victim is sufficient old to understand what is good and what is bad. This accused no. 01 is of tender age. Keeping him behind bar may ruin his life. Other accused persons are already released on bail. This accused no. 01 is ready

to furnish bail and abide by any condition. Hence, he prayed that, he be released on bail.

05. This application is strongly opposed by prosecution contending that offence is of serious nature. This accused no. 01 is the main accused in the crime. There are other crimes registered against this accused no. 01 in Palus police station for similar offences. This accused no. 01 is habitual one. If this accused no. 01 released on bail he may again engage in committing similar type of offences. Victim and accused no. 01 are of different caste. If this accused no. 01 released on bail there is possibility and probability that communal riots may took place. This accused no. 01 may tamper prosecution evidence. This accused no. 01 may put pressure on prosecution witnesses. For these and for other reasons prosecution prayed that this bail application be rejected.

06. Since last more than three months this accused no. 01 is in jail. Now investigation is completed. Charge sheet against this accused no. 01 is filed in the Court. Nothing remained to be recovered from this accused no. 01. Presence of this accused no. 01 is not required for custodial interrogation. Thus presence of accused no. 01 in custody is not required for any purpose of investigation.

07. It seems that, there was love affair between victim and accused no. 01. Victim never opposed this accused no. 01 while taking away on his motorcycle by accused no. 01. Victim is of 16 years and 11 months old. She knows what is good and what is bad. In spite of this there seems no resistance on the part of victim to any act of accused no. 01.

08. No doubt some crimes are registered against this accused no. 01 in Palus police station. However, mere for that reason bail cannot be rejected. Accused no. 01 is just 25 years old boy. Detaining him in jail for indefinite period will ruin his future. Therefore, it is just and proper to release this accused no. 01 on bail with stringent conditions.

ORDER

01. Application is allowed.
02. Accused No. 01 Sushant Malhari Sadakale be released on his furnishing PR bond of Rs.2,30,000/- (Rs. Two lakhs thirty thousand only) and solvent surety in like amount.
03. The accused no. 01 shall not tamper the evidence.
04. The accused no. 01 shall not pressurise the complainant / victim girl.
05. The accused no. 01 is directed that, he directly not to meet or contact any prosecution witnesses or try to put pressure on the prosecution witnesses.
06. Accused no. 01 should not enter in the village Palus, Tal. Palus, Dist. Sangli till decision of this case.
07. The accused no. 01 shall not indulge in any offence.
08. The accused no. 01 shall make himself available and attend all Court dates.
09. The accused no. 01 shall not abscond.
10. The accused no. 01 should furnish his present and permanent address to police and to this Court and inform change in his address from time to time, if any.
11. Violation of any condition will be sufficient to cancel the bail.

SANGLI.

Date : 19th January 2024.

SD/--

(D. S. Hatarote)

Extra Joint District Judge &
Additional Sessions Judge,

SANGLI.

I affirm that, the contents of this P.D.F. file are same,
word to word, as per the original order.

Name of the Stenographer : Rupesh S. Pol.

Court : Extra Joint District Judge &
Additional Sessions Judge,
Sangli.

Date : 19th January 2024.

Order signed by the
Presiding Officer on. : 20th January 2024.

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