

IN THE COURT OF SESSIONS JUDGE, BARAMATI.
(Presided over by S.T.Bhalerao, Addl.Sessions Judge)

Spl. Child S.C. no. 34/2021
(CNR NO. : MHPU14000440-2021)



Applicant: **Pralhad Dattatray Aadke,**
Age: 25 years,
R/at Ghadgewadi Road, Nirawagaj,
Tal. Baramati, Dist. Pune.
Vs.
Prosecution: State of Maharashtra,
Through the Police Station Officer,
Police Station Baramati Taluka, Dist. Pune.

ORDER BELOW EXH.2
(Passed on this 10.03.2021)

This is a bail application in Crime No. 751/2021 punishable under Sections 376,506 of the Indian Penal Code, 1860 and under Sections 3(1)(w)(ii), 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Baramati Taluka Police Station, Dist. Pune filed under Section 439 of the Code of Criminal Procedure, 1973.

2] It is contended that the accused has falsely been implicated in the present crime due to political rivalry in respect of the Village Panchayat election. He has not committed the alleged offence against the informant. The informant made allegations against the accused at the instance of her relatives. The accused is innocent, poor labourer. The custody of this applicant is not must. The applicant is ready to co-operate in the investigation and to abide by all the conditions. It is prayed to allow the application.

3] The Investigating Officer and Ld. APP opposed application

by filing say Exh.5. It is contended that the accused had expressed his liking towards the informant. He had obtained her mobile phone number without her permission. When she had been to relive herself in a field where crop of sugarcane was standing, the accused came there and though she opposed him, he established physical relations with her. He threatened her not to disclose it, else he would kill her children and husband. Thereafter, he allured her of transferring half of the land in her name and had been talking to her. Thereafter, also he committed rape on her under threat. While she was speaking over phone with accused, her husband noticed it and she narrated the incident to her husband. Thereafter, she lodged the report to the Police Station. The charge-sheet has been presented before the Court. The offence is serious. Hence, the application be rejected.

4] Heard both the sides and perused the record of the case. Ld. Advocate for the accused would submit that the F.I.R. itself shows that offence of rape is not *prima facie* made out. The further detention of the accused is not necessary, as the charge-sheet has been presented. He is ready to abide by all the conditions.

5] Spl. P.P. is absent so also the investigating officer. However, a Police Sub-Inspector appeared under the authority of investigating officer and opposed the application. It is submitted that the offence is serious. Hence, the application be rejected.

6] The informant appeared and orally submitted not having objection to release the accused on bail.

7] It is seen that there is *prima facie* material against the accused in respect of commission of some crime. However, it is also to be noted that the accused has been in the custody from 22.01.2021 and the charge-sheet has been presented. The matter is pending before

this Court. It would take considerable time to dispose of the matter. Till then further detention of the accused does not appear must.

8] Considering the nature of offence, the length of time for which the accused is in the custody, and the situation of Pandemic, accused can be released on conditions. Hence, the following order.

ORDER

[i] The application (Exh.1) is allowed.

[ii] The accused namely, **Pralhad Dattatray Aadke**, be released on bail on his executing P.R. Bond of Rs.30,000/- (Thirty Thousand only) with a surety or sureties in the like amount in Crime No. 751/2021 punishable under Sections 376,506 of the Indian Penal Code, 1860 and under Sections 3(1)(w)(ii), 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Baramati Taluka Police Station, Dist. Pune, on the following conditions :-

- [a] He shall comply with Chapter I Paragraphs 1 to 6 of the Criminal Manual 1980. (In view of order of the Hon'ble High Court passed in Criminal Application no.28 of 2010 in Public Interest Litigation no.25 of 2010 on January 29, 2020).
- [b] He shall not directly or indirectly make any inducement, threat or promise to any of the witnesses and shall not tamper the prosecution evidence.
- [c] He shall attend the court proceeding regularly.
- [d] He shall not leave India without permission of the Court.

Baramati.
Date : 10.03.2021

(S.T.Bhalerao)
Addl. Sessions Judge 2,
Baramati, Dist. Pune.
Court Hall no.85.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file judgment are same word for word as per original judgment.

Name of Steno : Sau. S.V. Thakar (Steno G-1)
Court Name : Shri. S.T.Bhalerao, District Judge-2
and Addl. Sessions Judge, Baramati.

Date : 10.03.2021
Judgment/order signed by P.O. On : 10.03.2021
Judgment/order uploaded on : 10.03.2021