

MHPU140015582020



Spl. Sessions Case No.115/2020

Ganesh Navnath Suryawanshi

Vs.

State of Maharashtra

ORDER (BELOW EXH.3)

This bail application has been filed under Section 439 of the Code of Criminal Procedure in connection with Crime No. 270/2020 registered for the offences punishable under Sections 363, 366, 376(2)(n) of the Indian Penal Code, under Sections 4, 5(L), 6 of the Protection of Children From Sexual Offences Act, 2012 and under Sections 3(1)(W)(i)(ii), 3(2)(V), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, at Wadgaon-Nimbalkar Police Station.

1] The Applicant contended that he has been falsely implicated in the crime. Prima facie no case is made out against him. There is delay of four days in lodging the FIR. The charge-sheet is filed in the Court. Therefore, custodial interrogation of the applicant is not necessary. This is his second bail application and he has not filed any other bail application. He is ready to abide by the conditions if released on bail. Therefore, he requested to release him on bail.

2] The Investigating Officer and the learned APP opposed the application by filing say at Exh.4. It is contended that motorcycle used in commission of offence is seized from the applicant. The spot panchanama is prepared as per the spot shown by him. Crime No. 262/2020 punishable under section 379 of the

IPC is registered at Baramati Taluka Police Station against him. If the applicant is released on bail, he may threaten the informant and the victim and may also jump on bail. Therefore, it is prayed for rejection of the application.

3] Heard, the learned **Adv. R.D. Kshirsagar** for the Applicant, the learned **Spl. PP. Shri. Joshi**, and the informant through video conferencing. I perused the documents on record. There is statement of the victim dated 29.05.2020 recorded under Section 161 of the Code of Criminal Procedure before the police. It is revealed that there was love affair between the applicant and the victim. On 14.05.2020 at about 4.00 a.m., the victim herself called the applicant on phone. She left her house at her own accord at about 7.00 p.m. and went to Village Kurkumbh with the applicant on motorcycle. Therefore, the victim was aware of the consequences of her own act. The age of the victim is 17 years and that of the applicant is 20 years. The investigation is completed as the charge-sheet is filed in the Court. In such circumstances, further detention of the applicant is not necessary. Therefore, the applicant is entitled to bail. The apprehension of the informant can be taken care of by imposing suitable conditions while releasing the applicant on bail. Hence, I pass the following Order.

ORDER

1. This Bail Application (Exh.3) in Spl. Sessions Case No. 115/2020 is hereby allowed.
2. The Applicant/the Accused, namely, Ganesh Navnath Suryawanshi, shall be released on bail on his executing P.R. Bond of Rs.25,000/- with one or two solvent sureties of like amount only in this Crime No. 270/2020 registered for the offences punishable under Sections 363, 366, 376(2)(n) of the Indian Penal Code, under Sections 4, 5(L), 6 of the Protection of Children From Sexual Offences Act, 2012 and under Sections 3(1)(W)(i)(ii), 3(2)(V), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, at Wadgaon-Nimbalkar Police Station on the following conditions :-

- A) He shall not tamper with prosecution evidence in any manner.
- B) He shall not leave India without prior permission of the Court.
- C) He shall not enter Village Tardoli, Tal. Baramati, Dist. Pune.
- D) He shall not change his residential address without prior intimation to the Investigating Officer and the Court.
- E) He shall not contact with the victim or her family members in any manner.

3. If he disobeyed any of the above conditions, the prosecution is at liberty to move the Court for cancellation of bail.

Date :- 20/08/2020

(D.B. Bangde)
Additional Sessions Judge, Baramati.

CERTIFICATE

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

Name of Stenographer : S.V.Thakar, stenographer (G-1)

Court Name : D.B. Bangde,
Additional Sessions Judge,
Baramati, Dist. Pune.

Date of Order : 20.08.2020

Order signed by
Presiding Officer : 20.08.2020

Order uploaded on : 20.08.2020