

IN THE COURT OF SESSIONS JUDGE, BARAMATI.

(Presided over by R.R. Rathi, Addl. Sessions Judge)

Sessions Case No. : 185 of 2019.

Applicant : **Abhishek Namdev Shelke**
Age- 22 years, Occ.- Grocery Shop
R/at- Kedgaon, Tal- Daund, Dist-Pune.

// VERSUS //

Non-applicant : **State of Maharashtra**
Through Police Station Officer,
Police Station Yavat, District Pune.

ORDER BELOW EXHIBIT 4

(Passed on this 17th day of September, 2019)

Perused the application for grant of regular bail under section 439 of Cr.P.C. by accused Abhishek Namdev Shelke in Crime No.650/2019 under Sections 376, 506 of IPC, registered with Yavat Police Station.

2] The accused contended that the prosecutrix is 22 years old and is mature. There is delay of three months and sixteen days in lodging FIR. The FIR is lodged under pressure of one Sachin Memane. The allegations are false. He has no criminal antecedent. Charge-sheet has been filed. Nothing remained to investigate. On suitable terms and conditions he has prayed for regular bail.

3] IO filed say through APP at Exh.5. They have opposed the bail application. The offence is of serious nature. If the accused is released on bail, he may tamper the prosecution evidence and witnesses. Hence, prayed for rejection of bail.

4] Heard the learned APP and the learned counsel for accused. They argued as per the above stand taken.

5] I have gone through the FIR. After filing charge-sheet the bail application has been filed. The complaint discloses prima facie offence under Section 376 and 506 of IPC. As per the prosecution, the prosecutrix and the accused were acquainted with each other. On 9/4/2019 at about 0.30 a.m. the accused made a phone call to the victim and called the victim on the ground floor parking. Immediately he caught hold of her left hand and demanded sexual relations with her. So the victim ran away and went into her room. That time the accused also came in the room and closed the door from inside and by means of knife he threatened her and committed rape against her. Again he stayed there for half an hour and again committed rape. Due to threat, she has not told the incident to anyone. But her live in partner Sachin Memane gave her courage and so she lodged the report.

6] At the time of deciding bail application, the merits of the case cannot be looked into. But cursorily the court can go through the evidence and the conduct of the victim and the witnesses. It appears to the court that victim and accused were acquainted with each other and so on the phone call in the midnight of the accused she came in the parking. Also when the accused demanded sex, she ran away into her room and the accused came there and threatened her by knife and two times committed rape against her. The medical history shows that the prosecutrix is divorcee. The medical history shows no injuries on the person of prosecutrix. The

medical report shows that rape might have been committed subject to Lab finding. There is no such Lab finding on record. No knife is recovered from the accused. The age of the accused is 22 years and of the prosecutrix is of 22 years. The investigation is completed. There is delay of more than three months in lodging the FIR. Looking to the age of the accused and the investigation being completed and the long delay and no criminal antecedent of the accused, he is entitled for regular bail. Hence, the following order.

-ORDER-

[1] The application is allowed.

[2] The applicant Abhishek Namdev Shelke in Crime No.650/2019 under Sections 376 and 506 of Indian Penal Code, registered with Yavat police station, be released on P.B. of Rs.25,000/- along with one or two sureties in the likewise amount, on the condition that:

- a) He shall not tamper the prosecution evidence.
- b) He shall not threat the prosecution witnesses.
- c) He shall furnish his address and contact number.
- d) He shall attend the police station as and when his presence is required by the police.

Sd/-

Baramati.
Dated : 17.09.2019.

(**R.R. Rathi**)
Additional Sessions Judge,
Baramati.

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	: R.R. Sherekar (Steno G-1)
Court Name	: Shri. R.R.Rathi, District Judge-3 and Addl.Sessions Judge, Baramati.
Date	: 17.9.2019.
Judgment signed by P.O. On	: 17.9.2019.
Judgment uploaded on	: 18.9.2019.