



Order below Exh. 3 in Sessions Case No. 189/2022

CNR : MHPU14-002919-2022

Rohit Keshav Jagtap

Vs.

State of Maharashtra.

1. This second regular bail application moved by the applicant/accused u/s. 439 of the Code of Criminal Procedure for enlarging him on bail in CR. No. 280/2022 of Baramati City Police Station for the o/p/u/s. 376, 427, 504, 506 of Indian Penal Code.

2. Ld. Adv. Shri. N.R. Bhame on behalf of the applicant/accused has contended that the applicant is innocent, he has not committed any offence as alleged and he is falsely implicated in the said crime because of personal grudge. There is no direct, indirect or circumstantial evidence against the applicant. In fact, complainant and applicant were known to each other and they were having consensual relationship. However, due to some dispute complainant has lodged the false and fabricated FIR against him at the instance of her family members. Further, nothing has been recovered or discovered at the instance of applicant during his custodial interrogation. Besides, investigation has been completed and charge-sheet is already filed in the court. According to him, applicant is 27 years old having good reputation in the society. He has no criminal record or antecedents. He is in jail since 08/06/2022. There is no likelihood of commencement of trial in

near future and thus there is no necessity to keep him behind bars till conclusion of the trial. Applicant is permanent resident of Kasba, Jamdar Road, Baramati, Dist. Pune. He is ready to abide by any terms and conditions imposed upon him. He will not abscond nor misuse the liberty of bail. On all these grounds he prayed to enlarge the accused on bail.

3. On the other hand, Investigating Officer, Ld. APP Shri. K.S. Navale and the complainant have strongly opposed the application vide say at Exh. 4 since contending that the accused committed forcible rape on the complainant and under threat of life sexually abused her repeatedly. Further, he broke the lock of her house so as to create fear in her mind. There are specific allegations against the accused and nature of offence as well as allegations are serious one. Besides, accused is history sheeter. Almost, 18 crimes of serious nature are pending against him in Baramati City Police Station. In the said backdrop, if the accused is released on bail he will definitely create pressure on the complainant and prosecution witnesses and there will be hurdle in the trial. On these grounds they prayed to reject the application.

4. As per the contents of the FIR, it is lodged by the complainant alleging that since 5-6 years she along with her minor son resides separately from her husband at Baramati. She is working as nurse in Ekdanta Hospital Baramati. Her brother introduced her and the accused. Her brother further told her that accused is a criminal and has terror in the society. As he used to visit her house frequently, they became friends. Previously, at 2/3 occasions accused tried to use criminal force against her, but she did not lodge any report due to fear. It is alleged that on 06/06/2022 at about 11.00 a.m. when she was on duty at her

workplace, she received a phone call of accused on her mobile phone. By giving threat of killing her son, he asked her to come to Moregaon road to meet him. Therefore, she went to meet him at Sikandaranagar on Moregaon road at about 12.00 noon. Accused was waiting there for her. He dragged her in bushes, abused her in indecent language and committed forcible sexual intercourse upon her. Thereafter, she managed to rescue herself and went back to her work. However, at about 3.00 p.m. accused again came at her workplace and in front of the staff members he asked her to accompany him to satisfy his lust. Because of his terror none of the staff members intervened. Thereafter, he left the place. At about 5.00 p.m. accused again made a phone call to her and told her that as she did not accompany him, he had broke open the lock and door of her house. She immediately went to her house and noticed that the lock and the door of her house were broken. Hence, she went to police station and lodged the report.

5. At the out-set I would like to state that the offence of rape is heinous one. After perusing the material placed on record it is seen that on the day of incident, complainant was called by the accused on Moregaon road while she was on duty and had forcible sexual intercourse with her against her wish. It is further seen that due to the continuous threats of killing her minor son and sexual exploitation complainant suffered mentally. The contents of the entire FIR clearly makes out that accused under threats sexually exploited the complainant and by breaking open the lock and door of her house created fear in her mind. Medical reports filed on record also supports the contention of sexual exploitation. The contents of FIR clearly makes out that it is not the case of love affair or consensual relationship as argued by the learned

advocate of accused. Further, the say of Investigating Officer clearly indicates that the accused is habitual offender and several cases of serious nature are pending against him.

6. Admittedly, charge-sheet is filed in the court, however, considering the strong prima facie evidence against the accused, gravity of offence and the apprehension shown by the prosecution, I am of the opinion that accused is not entitled to be released on bail. Accordingly, I pass following order.

ORDER

The application is hereby rejected.

Date:- 04/10/2022.

(K.S. Bakre)
Additional Sessions Judge
Baramati.

CERTIFICATE

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

Name of Steno	:- R.L. Bhunyar (Stenographer Grade-I)
Court Name	:- K.S. Bakre Additional Sessions Judge, Baramati.
Date of Order	:- 04/10/2022
Order signed by the Presiding Officer	04/10/2022 :-
Order Uploaded on	:- 04/10/2022