

: ORDER BELOW EXH.30 IN SESSIONS CASE NO.64/2022 :
(CNR No. MHRG15-000604-2022)
(Passed on 23.09.2025)

1) This is an application seeking a regular bail, made by accused **Sadanand Kashinath Kadam**, concerning the offence punishable under sections 376, 376(2)(1) of the Indian Penal Code, 1860 (for short, "I.P.C."), in Crime No.79/2022 (Sessions Case No.64/2022) registered with Pali police station.

2) It is contended that the first and second bail application made before this Court had been rejected. Application made before the Hon'ble High Court was not pressed. The Hon'ble High Court has directed this Court to expedite the matter.

3) It is submitted that the accused did not commit any offence. He has been falsely implicated due to political enmity. The accused has been in the custody for more than three years. Due to technical difficulties the matter could not be decided and only 3 witnesses have been examined so far. The accused is of 61 years. He is ready to abide by all the conditions. He may be released on bail considering his old age.

4) The Ld. A.P.P for the State, opposed the application by filing say (Exh.32). It is contended that the offence is serious. The survivor is intellectually disable person. On release of the accused, possibility of absenting before the Court by the accused cannot be ruled out. There is strong evidence against the accused in this

part-heard matter. Hence, the application may be rejected.

- 5) Heard both sides and perused the record.
- 6) Ld. Advocate Mr. P. G. Musale for accused, and the Ld. A.P.P. Mr. J. D. Mhatre for the State, iterated the contentions made in the application and say, respectively.
- 7) Ld. Advocate for the accused would submit that the accused is old aged and only 3 witnesses could be examined so far. Hence, according to Ld. Advocate for the accused, the application may be granted.
- 8) Ld. A.P.P. pointed out that when the material witness had been present and the accused had not been produced from prison, his evidence could not be recorded as Ld. Advocate for the accused was unable to proceed in absence of the accused. It is submitted that the prosecution is ready to conduct the matter expeditiously. Ld. A.P.P. further submitted that considering the heinous nature of the offence and that remaining witnesses could be threatened, the application may be rejected.
- 9) The allegations against the accused are very serious. He allegedly forced himself upon a differently able girl by taking disadvantage of her vulnerability. There is an eye-witness to the incident.
- 10) It is seen that the Hon'ble High Court has been pleased

to direct this Court to expedite the matter. Three witnesses have been examined so far. The prosecution is ready to conduct the case expeditiously.

11) Considering the nature of offence, and above discussion, which includes contribution of the accused for the delay in deciding the matter expeditiously, he is not entitled to seek bail by mentioning his old age.

12) All in all, the application is not entitled to be allowed. The matter is to be taken expeditiously. Hence, the following order:-

: ORDER :

The application Exh.30 is rejected.

Both sides to co-operate the Court in expeditious disposal of the matter.

Mangaon.
Date: 23.09.2025.

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist. Raigad.