

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL-
RAIGAD**

Sessions Case No.97/2021

Order Below Exh.1

(CNR No.MHRG170013752021)

The State of Maharashtra V/s.Tejas Hiranman Devlekar

(Passed on 06/12/2021)

- 1] Applicant/accused – Tejas Hiranman Devlekar has filed application for regular bail u/sec. 439 of Cr.P.C., of the offence punishable u/sec.376(d), 328, 323, 212, 506(2) of IPC, in crime No.49/2021, police station Kharghar.
- 2] Perused application, say and record.
- 3] Ld.Adv. for applicant/accused submitted that, it is the second bail application after filing charge-sheet. Co-accused released by Ld.J.M.F.C, but he did not ask for ground of parity as the role is different. Charge-sheet submit in the month of April 2021, but trial could not commence. It is not just and proper to keep this applicant/accused behind bar for uncertain period by considering his tender age. He is 19 years old student. His act does not consider as a rape and sec.376 does not attracted against him. At the most, sec.354 would have been attracted. This applicant/accused has limited role. Main accused is the Abhishek Kharat, who forced victim to consume

liquor and committed rape. After submitting charge-sheet, near about 8 months the case is pending, but trial could not commence, hence prayed for his regular bail. To support his contention, he has filed citation in Ajit Singh V/s. State of Uttar Pradesh & Anr. Reported in 2017 ALL SCR(Cri)1463.

4] Ld.A.P.P. Smt.Wade strongly objected his regular bail and submitted that, applicant/accused does not shown change in circumstances after rejecting his first bail application. Considering his active role in the heinous offence, leniency cannot show even he is 19 years old. Though, he did not commit penetrative sexual offence, but he inserted fingers into her private part which also constitute the offence of rape therefore no proper ground to release on regular bail. This applicant/accused and victim are residing in the same vicinity, therefore, there is a chance for tampering with witnesses. Hence, prayed for rejection of his bail.

5] I have gone through the record and found, on 04/04/2021 charge-sheet was submitted before the Ld.J.M.F.C and then on 28/08/2021 it is committed to this court and taken on board on 30/08/2021. It shows, huge time is not passing to commencing trial after committing the charge-sheet. Present bail application also does not shown any change in circumstances that he is facing after rejecting his earlier bail

application dated 11/06/2021. Needless to say that, victim stated in her statement that, this applicant/accused inserted his fingers in her private part and he has active role in this offence, but when sufficient period may be taken to commence its trial and considering the arrest of this accused on dated 04/02/2021 near about 10 months he is behind bar. Nothing remains to seizer or interrogate from him.

6] The facts and circumstances of cited authority Shubham Kharat is somehow similar to the facts and circumstances of the matter in hand, hence ratio of cited authority is applicable to the present matter. Hence, I pass following order.

ORDER

1. Regular bail Application (Exh.1) is hereby allowed.
2. Applicant/accused - Tejas Hiran Devlekar be released on bail of the offences punishable u/sec.376(d), 328, 323, 212, 506(2) of IPC, in crime No.49/2021, police station Kharghar, on his executing bond of Rs.25,000/- with one local solvent surety in the like amount on following conditions -
 - a] He shall attend the court on each and every date without fail.
 - b] He shall not meet or pressurize with the informant and prosecution witnesses.

- c] Whenever he wants to leave Navi Mumbai jurisdiction, he shall obtain prior permission of the court.
- d] He shall not enter within the area of 1000 m radius from the residence of informant and prosecution witnesses.
3. The breach of above conditions shall lead to the cancellation of bail.
4. Bail before concerned court.
5. Hamdast allowed.

Panvel,
Date : 06/12/2021

(Madhuri Anand)
Additional Sessions Judge,
Panvel-Raigad.

Dictation started on : 11.25 a.m.
Dictation concluded on : 11.50 a.m

Note :- Argument of both parties heard on 25/11/2021 and kept for case diary on 06/12/2021. Case diary produced on 06/12/2021, hence order passed on the same date.

CERTIFICATE

I affirm that the contents of this PDF file order are

same, word to word, as per the original order.

Name of stenographer	P.S.Mhatre
Name of Court	District Judge-2, Panvel- Raigad
Date of Dictation	06/12/2021
Order signed by the P.O on	06/12/2021
Order uploaded on	09/12/2021