


<p>MHRG170013752021</p> 	<p>Sessions Case No.97/2021</p> <p>State of Maharashtra ...Prosecution V/s. Tejas Hiranman Devalekar and Others ...Accused Persons</p>
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ORDER BELOW EXH.36

- 1] This is an application filed by accused No.3/applicant – Abhishekh Ajit Kharat under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short “BNSS”) for grant of bail.
- 2] I.O. has filed say to this application at Exh.37 and thereby strongly opposed the application.
- 3] Perused application, say thereon and documents produced on the record. Heard both sides.
- 4] The accused is charge-sheeted for the offences punishable under Section 376-D, 328, 323, 212, 506(2) of the Indian Penal Code.
- 5] Ld. Advocate for accused submitted that, allegations against the applicant are false. The applicant is innocent and has not committed any offence. There is no any iota of evidence against the applicant. There is no criminal antecedent. The applicant is law abiding person who is permanent resident of Kharghar, Navi Mumbai. Now, the charge-sheet has been filed. Investigation in all respect is completed. The family of the applicant is depending upon him. Applicant is ready to obey any conditions to be imposed by the Court.

6] Ld. Addl. P. P. Smt. P. P. Wade submitted that, the offence is of serious nature. Though charge-sheet is filed, considering the nature and gravity of the offence it is not proper to release the applicant on bail. If applicant is released on bail, he will pressurize the informant and other prosecution witnesses. Hence, prosecution prayed for rejection of bail.

7] Perused application, say and record of the case. It is alleged that, victim and co-accused – Tejas Devalekar were residing in the same society. Applicant was friend of Tejas Devalekar. Applicant used to meet co-accused – Swapnil Ughade who is residing in rental house in the same society. Therefore, victim knows all accused persons. On 03.02.2021, in the said society there was *haldi* ceremony of Ganesh Gujar's marriage. The said function was started at 8.00 p.m. In the said function victim made dance. Due to dancing she felt thirsty. Therefore, victim went at Room No.5 to drink water. Co-accused – Tejas Devalekar gave coco-cola to victim. After taking said coco-cola victim was feeling dizzy. Tejas took the victim out of the society. Tejas asked the victim to seat applicant's scooty. Initially, she refused to seat on the said scooty but at the instance of the Tejas victim sat on the said scooty. Applicant had taken two wine bottle from Ajit Palace Hotel, Koparagaon. The applicant and victim reached at Utkarsh Hall, Sector-12, Kharghar at about 10.00 p.m. At the road side one white colour minibus was parked. The victim was taken in the said bus and the applicant locked the said bus from inside and went to bring co-accused – Tejas Devalekar and Swapnil Ughade. Thereafter applicant

entered into the said bus and forced victim to drink alcohol. When victim opposed to drink alcohol, applicant jostled with the victim and due to which she sustained scratch injury on wrist of left hand. Applicant also bite the victim's chest. The victim became semiconscious. The applicant removed the cloths of the victim and committed forcibly sexual intercourse. Applicant threatened the victim not to disclose to anybody. Thereafter applicant called co accused – Tejas Devalekar who inserted his finger into vagina of the victim.

8] When victim regained her consciousness, she found that she was lying on the roadside. The peoples were gathered there. With the help of taxi driver father of the victim was called there. Thereafter victim was taken to police station. Therefore the informant filed the complaint against the applicant.

9] It appears that, now the charge-sheet has been filed. Investigation in all respect is completed. The applicant is in custody since 30.03.2021. Co-accused – Swapnil Ughade was released on bail by learned JMFC vide order dated 06.02.2021 because the allegation against him was only for the offence punishable under section 212 of the IPC. Thereafter, co-accused – Tejas Devalekar was released on bail by my learned predecessor on 06.12.2021 on the ground that trial could not commenced. The present applicant is behind the bar for more than four years. In these circumstance, his longer custody could not serve purpose of justice. Hence, I am inclined to grant bail application by imposing certain stringent conditions. As a result, I pass following order;

:: ORDER ::

1. Application is allowed.
2. Accused No.3/applicant-**Abhishekh Ajit Kharat** be released on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two surety in like amount in C.R. No.49/2021 registered at Kharghar Police Station for offences punishable under Section 376(d), 328, 323, 212, 506(2) of the Indian Penal Code.
3. Applicant shall not leave India without previous permission of the Court.
4. Applicant shall not enter in the village where the victim ordinarily resides.
5. Applicant shall not contact to victim or her family by any mode of communication.
6. Applicant shall not directly and indirectly make any inducement, threat or promise to any person acquainted with facts and circumstances of case so as to dissuade him from disclosing such facts to the police and Court.
7. Applicant shall furnish his permanent and temporary residential proof, valid e-mail ID and mobile number.
8. Applicant in future, shall not commit offence of similar nature.

9. Inform the concerned police station and jail authority.

(Application is disposed of accordingly)

Panvel,
Dated :- 04/06/2025

(S. R. Chavan)
Addl. Sessions Judge
Panvel, Dist.-Raigad