



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

SPECIAL CASE NO.134/2024

The State of Maharashtra

--- Prosecution

Vs.

Rajendra Dayaram Gondhali

--- Accused

Corum - Santosh C. Shinde

Date - 18th December 2024

Appearance-

Ld. Adv. Mr. S. P. Patel for applicant.

Ld. Special Public Prosecutor R. S. Yerunkar for State.

Order Below Exh.2

1. This application is filed for regular bail.
2. Say of victim, State of Maharashtra and investigation officer was called upon. Say is filed at exh.6 and application is strongly objected.
3. Heard Ld. Advocate Mr. Sachin Patel for accused and Ld. Spl. P. P Mr. R. S. Yerunkar for State.
4. Advocate for accused submitted that accused is falsely implicated. Age of accused is 49 years and there is no possibility that he will commit such act. Vehicle number which is alleged to be used by accused is not mentioned in the FIR. FIR is against unknown person. Accused is arrested

as he is owner of that vehicle. Vehicle seized in the offence of gray colour and in CCTV footage white colour car was seen. Identification of accused is not proper. There is delay in lodging FIR. Punishment is not more than five years. Accused is behind bars since long time and his further custody is not required. He has not antecedent. He is ready to abide by any condition.

5. Per contra, Spl. P. P submitted that offence is serious in nature and there is evidence against accused. This is second offence committed the accused. He has antecedents. Act of accused shows his mentality. Accused may repeat the offence, if released on bail.
6. Perused charge-sheet.
7. FIR shows that on 11th June 2024 at about 6.30 PM informant, his son & victim were returning to home. Informant & his son were walking ahead the victim. At about 7.30 PM, foot of informant came out from shoe therefore she was wearing that shoe. Meantime, informant & his son had reached at home but victim did not reached therefore, informant went back on that way and that time victim came shouting & running towards him.
8. FIR further shows that upon inquiry, victim narrated that one unknown person aged about 25 to 30 years came and pressed his hand on her mouth and took her with him. She attempted to rescue herself but he was not leaving her and with one hand that person was rubbing her chest. At some distance, two persons had sit and that time victim bit the

hand of accused and shouted "Kaka save me." When persons who had sit there shouted and warned accused to leave the victim, accused left spot leaving the victim.

9. Incidence has occurred on 11th June 2024 and FIR is registered on next date. Documents on record shows that CCTV footages of the road where incidence occurred were checked and in CCTV footage one gray colour Swift car was seen standing on road. In CCTV footage, it was seen one person wearing red shirt & white pant is following victim & her father. It was also seen that after some time that person is running towards the car and left from there in that car.
10. During investigation, it was revealed that that car was standing near Sai Dhaba, Chirner. From CCTV footage of that hotel, car number and owners of car was traced. Hotel owner informed to police that on 11th June 2024 three person had come in his hotel for diner. In investigation, it is revealed that two persons were friends of accused while third person was accused himself and accused is owner of that car.
11. If statement of victim u/s.164 of the CrPC is considered then she has narrated the incident in detail. There are three eye witnesses who have seen the victim in custody of the accused. Victim has identify the accused when CCTV footage was shown to her. In identification parade also accused was identified by the victim. If contention of advocate for accused regarding identification is considered then there is no merit in the argument as accused is properly identified by victim.

12. Accused has not clarified as to how his car was seen at the spot. So far as question has false implication is considered then there is nothing on record to show that there is any previous enmity between informant & accused. No doubt, in FIR age of unknown person is mentioned as 25 to 30 years but that age is stated by the victim who is minor therefore much importance cannot be given to this fact aspect as victims perception about age may be different.
13. So far as antecedents of accused are considered then one offence under POCSO Act is registered against present accused NRI Sagari Police Station, Navi Mumbai. Only on ground of antecedents bail cannot be rejected unless accused is convicted in any of the offence. What was the intention of the accused behind the offence will come on record during trial.
14. Bail is rule & jail is exception. Object to bail cannot ignored. Apart from merit, it will take time to commence & conclude the trial. Accused cannot be kept behind bars without trial for indefinite period otherwise it will amount to pre-trial conviction. Accused & victim are residing at different places. Considering all these aspects, accused can be released on bail by imposing certain conditions. As a result, I pass following order.

ORDER

1. Application is allowed.
2. Accused Rajendra Dayaram Gondhali be released on furnishing P.B & S.B of Rs. 30,000/- (Rupees Thirty Thousand) with one or two surety in like amount in the crime No.267/2024

registered at Uran Police Station, Tal.- Uran, Dist.- Raigad for offences punishable u/s.363, 354, 511 of the IPC and u/s. 8, 9(m) & 10 of the Protection of Children from Sexual Offences Act, 2012, if he is not required in any other offence.

3. Accused shall not leave India without previous permission of the Court.
4. Accused shall not enter in the village where the victim ordinarily resides.
5. Accused shall not contact to victim or her family by any mode of communication.
6. Accused shall not, directly & indirectly, make any inducement, threat or promise to any person acquainted with facts & circumstances of case so as to dissuade him from disclosing such facts to the police & Court.
7. Accused shall furnish his permanent & temporary residential proof, valid e-mail ID and mobile number.
8. Accused, in future, shall not commit offence of similar nature.
9. Registry is directed to inform accused about this bail order by e-mail.

(Application is disposed of accordingly)

Panvel
Date: - 18/12/2024

Sd/-
(S. C. Shinde)
Addl. Sessions Judge
Panvel, Dist.-Raigad