

MHRT040004282024



The state of Maharashtra
Versus
Vikas Prakash Lambade

Prosecution
Accused

Order below exh.5 in Sessions case No.20/2024

1. The Offence under section 64(2)(i), 64(2)(k), 351(2)(3), 352, 127(2), 333, 324(2) of BNS is registered against the accused in C.R. No.258/2024 of Khed Police Station.
2. The accused moved bail application on the grounds that he was arrested on 29-07-2024 in respect of alleged incident dated 02-07-2024. Therefore there is delay of 27 days to lodge FIR. The accused has cooperated investigation. His custody is not required for investigation. He will not jump over the bail if released on executing bail bonds. He will not pressurize witnesses. He will abide by the conditions put forth by the Court. The accused is of 40 years old and doing agricultural work. He be released on executing bail bonds.
3. The Ld. APP and IO resisted the application by filing say at Exh.6. It is contended that the offence is of serious nature. The accused committed forceful rape on the victim and abused her and

threatened her to kill her by entering in her house. Both are residents of same village. Therefore it will cause threat to the life of victim and her mother if he would be released. The accused is habitual offender. The chargesheet is filed on record. It is prayed to dismiss the application.

4. The informant mother of victim disabled girl resisted the application by filing say at Exh.7. It is contended that her daughter is mentally disabled and remains alone throughout the day in their house. The accused may repeat the crime. He has committed rape on the victim by tying her hands and legs. Due to the incident the victim girl has got mental shock. The informant has to go to other villages due to her work as Anganwadi sevika. The accused is well aware about the facts. He may jump over the bail. He was caught by the police after much time of FIR as he had absconded. Therefore application be rejected.

5. Heard.

6. Perused FIR. Specific role of the accused can be seen from the FIR in the said crime. On 02-07-2024 he has committed rape on the victim girl by tying her hands and legs. The victim is mentally disabled girl. The accused was arrested on 29-07-2024. As per statement of witness Vilas Dombal which was recorded on 29-07-2024 on 02-07-2024 at about 12.30 hours he came for

agricultural work in the field in front of house of informant. He saw that door of the house was closed and he heard noise of shouting and abusing therefore he went towards the door of the informant's house but it was locked from inside. When he saw from the window of the house he had seen that victim girl was tied on the bed and she was unclothed. He has also seen the accused in the naked condition who was abusing the girl. Thus the statement of witnesses have also shown the complicity of the accused in the said crime.

7. Furthermore the accused is resident of same village. If released on executing bail bonds, there would be possibility of pressurizing witnesses. It must be considered that the victim girl remains alone in the house as her mother is working as Anganwadi sevika. She is mentally disabled girl. There may be possibility of repetition of crime. The prosecution has given draft charge. The case is fixed for recording plea of the accused. Under such circumstances according to me accused shall not be released on executing bail bonds. Therefore I pass following order.

Order

Application is rejected.

Date-17/03/2025

(P.S.Chandgude)
Addl.Sessions Judge,
Khed.

Certificate

I affirm that the contents of this pdf file order are same word as per original order.

Name of Stenographer : Mrs.V.S.Kulkarni

Court Name : Additional Sessions Judge, Khed.

Date of Decision : 17-03-2025.

Order Signed by P.O. on : 17-03-2025

Order Digitally Signed by P.O. on : 17-03-2025

Order uploaded on : 17-03-2025