

ORDER BELOW EXH. 3
IN SESSIONS CASE NO. 14 OF 2020
(C.N.R.No.MHRT04-000-507-2020)

The State of Maharashtra
(Dapoli Police Station)

Prosecution

Versus

Naresh Ramchandra Chogale

Accused

1. This bail application is filed by the accused through DLSA Ratnagiri in the background of minutes of meeting dated 07.05.2021 and 11.05.2021 of the Hon'ble High Power Committee. Read the application and say filed by the prosecution. Heard Advocate A.S. Bhosale for the accused and APP Mrs. M.M.Jadkar for the State at length.

2. The accused is prosecuted for an offence punishable under section 376 of the Indian Penal Code, 1860. It is alleged that, between 20.05.2020 to 25.05.2020 the accused has committed rape on the first informant.

3. Advocate A.S.Bhosale argued that, there is inordinate delay in filing the FIR. Advocate Bhosale further argued that, the contents of the FIR shows that, the first informant was the consenting party. Investigation is completed and chargesheet is filed. The accused is not a hurnden criminal. So, this application may be allowed.

4. On the other hand, APP Mrs.M.M.Jadkar submitted that, earlier bail application of the accused is rejected by this Court. The victim has objection to grant bail to the accused. If the application is allowed, the accused will harass the victim. So, this application may

be rejected.

5. The only question before this Court is whether this application is maintainable in view of the minutes of meeting dated 07.05.2021 and 11.05.2021 of the Hon'ble High Power Committee. The Hon'ble High Power Committee has also considered the minutes of meeting dated 25.03.2020, 11.05.2020 and corrigendum dated 18.05.2020. The minutes of meeting dated 11.05.2020 and corrigendum dated 18.05.2020 shows that, the offence punishable under section 376 of the Indian Penal Code, 1860 falls within exception clause. In other words, the various directions issued by the Hon'ble High Power Committee are not applicable to an offence punishable under section 376 of the Indian Penal Code, 1860. The present accused is prosecuted for an offence punishable under section 376 of the Indian Penal Code. So, the various guidelines issued by the Hon'ble High Power Committee are not applicable to this case.

6. Even on the merit also present application is required to be rejected. The victim was not a consenting party as argued by Advocate A.S.Bhosale. If the victim was a consenting party, she has not raised the matter before the village panchayat. The accused has also married person and having children. The victim is also married woman and having child. So, it is not the case of love affair.

7. The accused is residing nearby village of the victim. So, if the application is allowed, he will certainly tamper the prosecution evidence.

8. Earlier bail application of the accused was rejected. No any change in circumstance was made out.

9. For these reasons, I have come to the conclusion that, present application is required to be rejected with costs. With this

conclusion, I proceed to pass following order.

ORDER

1. Application is rejected with costs.
2. Inform this order to Jail Authority as well as concern police station.

Sd/-***

Khed.

(A. S. Avate)

Date :- 28.05.2021

Addl. Sessions Judge, Khed.

Case – Sessions Case No.14/2020 (Order Below Exh.3)

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

Name of Stenographer : Sandeep S. Patil

Court Name : Addl. Sessions Court, Khed. (A. S. Avate)

Date of Decision : 28.05.2021

Order Signed by P.O. on : 28.05.2021

Order uploaded on : 28.05.2021