

Order Below Exh. 21 in Sessions Case no. 70/2019.

(CNR No.-MHSO05- 001122-2019)

(State -Versus - Devidas Khandagale)

As I am passing this order just below and adjoining to this application itself, I need not reproduce its contents.

2. Strong contesting say Exh. 25 is filed on behalf of the State. The original complainant has also filed strong contesting say Exh. 26. In both these Says, respectively the State and the original complainant have contended that,

The application is false and not admitted. The accused has committed serious offences which carry imprisonment upto 10 years with fine. The accused has repeatedly raped the victim, who is a minor girl and made her pregnant. Besides the old age complainant i.e. grandmother, there is no one to look after and take care of the victim. The accused is a resident of the same village as the complainant and the victim do. If released on bail, the accused would pressurize the complainant and the victim. He may abscond. Hence, this application be rejected.

3. Perused the application. Perused the contesting says. Perused the entire record. Heard the learned advocates appearing in this matter at almost length.

4. At the out set, it is pertinent to note that, the contention of the learned APP in his say Exh. 25 in respect of sentence of imprisonment upto 10 years only, is wrong. To certain offences, the imprisonment may extend upto life. May it be.

5. This one is the second bail application filed on behalf of the applicant. His first bail application Exh. 3 is rejected by this

Court itself on 26.09.2019. However, since then, there appears to be change in circumstances.

6. First of all, C.A. report is placed on record. It does not at all reveal from the C.A. report that, the accused committed rape on the victim, child girl. True that, the C.A. report is not conclusive piece of evidence. Still it has at least some sort of corroborative importance. Even otherwise, besides the victim child girl, there is no one who even ever suspected that the accused had been subjecting the victim child girl to sexual harassment.

7. Final report in the form of chargesheet has been placed in the Court. Even the charge is framed against the accused. Hence, now there is no possibility of tampering in the evidence. So far as, possibility of pressurizing the complainant and the victim is concerned, necessary conditions can be imposed upon the accused.

8. The accused appears to be an age old person. In these days of Covid 19 pandemic, considering directions of the Hon'ble Apex Court and also of the Hon'ble High Power Committee and particularly considering all the forgoing facts and circumstances, in my opinion this accused deserves bail. He appears to be an agriculturist and a resident within territorial jurisdiction of this Court. There are least chances of his absconding.

9. Still, to secure presence of the applicant accused during the trial necessary conditions have to be imposed upon him and certain precautions have to be taken. Hence, I pass the following order.

ORDER

1. This application Exh. 21 is hereby allowed.
2. Present applicant accused Devidas Ramchandra Khandagale be released on bail on his executing personal recognition bond of Rs. 50,000/- (Rs. Fifty Thousand Only) with one or more sureties in the like amount and also on furnishing cash security of Rs. 20,000/- (Rs. Twenty Thousand only).
3. The applicant accused shall not reside in the village in which the victim and the complainant have been residing. He shall not at all contact directly or indirectly with the complainant or any one of the prosecution witnesses.
4. Any report of breach of any of the conditions as above, may have an effect of cancellation of the bail.

Date: 15.06.2020.

(Chakor Shrikrishna Baviskar)
Additional Sessions Judge,
Pandharpur.

CERTIFICATE

I affirm that the contents of this PDF file order is same word to word as per the original order.

- (a) Name of the Stenographer :- Smt. J. B. Kalshetti
- (b) Court :- District Judge - 1, Pandharpur.
- (c) Order signed by P.O. on :- 16.06.2020.
- (d) Order uploaded on :- 16.06.2020.