

IN THE SESSIONS COURT, WASHIM

S.T. No.18/2021
State .Vs. Ganesh Keshav Pattebahadur
Crime No.484/2020,
Malegaon Police Station.

ORDER BELOW EXH No.3

The applicant seeks regular bail in crime No.484/2020 of the offences punishable under Section 376 of the Indian Penal Code registered by Malegaon Police Station by this third bail application.

2. The learned counsel Mr.A.S.Bakliwal for the applicant submitted that applicant has no concerned with the alleged offence and he has been falsely implicated in false accusation. At the time of incident the applicant was 17 years old and the informant was married lady and she was 40 years old and hence, the question of performing marriage by the applicant with anyone does not arise at all. There was relation in between the informant and brother of applicant namely Mukesh who died before two years. He is unnecessarily implicated in the crime only to harass and extract the money from him. The investigation is completed and charge-sheet is filed. Therefore, the further custody of the applicant is not required for investigation. He further submitted that the present situation of Covid-19 pandemic the applicant behind bars is not required for any purpose. He is ready to co-operate with the investigation and will not tamper or hamper the prosecution witnesses. Therefore, the applicant/accused may be released on bail.

3. On the contrary, the learned A.P.P. Mr.S.K.Gimekar strongly opposed the application on the ground that the offence is serious and sensitive. The informant specifically stated that in between 05.07.2017 to 07.02.2019 the applicant/accused had sexual intercourse with her many times on false promise of marriage. If accused is released on bail, then every possibility that he will tamper and hamper the victim and prosecution witnesses. The previous two bail applications of the applicant is already rejected. There is no change in circumstances. Hence, the bail application of the applicant may kindly be rejected.

4. Heard, both parties. Perused the case dairy and the documents filed on record.

5. Having regard to all these factors, in my considered view, prima-facie case stands made out against the applicant. It seems that there is active participation of the applicant in the said incident. There is possibility of tampering the prosecution victim, if the applicant is released on bail. There is also possibility of repetition of same crime by pressurizing the victim. Mere filing of charge-sheet not lessen the gravity of offence. Looking to the seriousness of offence it is not just and proper to consider the bail application of the applicant. Taking into consideration, the gravity of offence, I find this is not a fit case for extending the discretion. Hence, I proceed to pass the following order:-

ORDER

The application is hereby rejected.

Sd/-

(Dr. Rachna R.Tehra)

Additional Sessions Judge,
Washim.

Dt.:- 03.08.2021

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order.

Name of the Stenographer :- Nitin B. Khandare, Stenographer (Grade - II)

Court Name :- Adhoc D.J. and A.S.J. Washim,

Date :- 03.08.2021

Order signed by the

Presiding Officer on :- 03.08.2021

Order uploaded on :- 04.08.2021