

Order below Exh.1 in Cri. Bail Application No. 141/2022

Bhaskar Madhav Jadhav

.. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Peth Police Station, Peth.
(Cr. No.I 06/2022)

.. Prosecution

Order below Exh. 1.

1. This application has been filed by the applicant/accused under section **439 of Cr.P.C.** for releasing him on **regular bail** in the aforesaid Crime registered at Peth Police Station, for the offence punishable under section 376 of the Indian Penal Code and u/s. 4, 8, 12 & 17 of the POCSO Act.

2. According to the prosecution, the FIR was lodged by the complainant who is 17 years old girl alleging therein that she stays with her family members at Malegaon, Wakharpada, Tal. Peth, Dist. Nashik and is studying in 12th standard. She used to go by walk to the School. On the day of incident, around 05.00 pm, when she was returning home from School, she met applicant and the main accused on the way. They came on motorcycle and the main accused held her hands, gagged her mouth and dragged her towards the Forest. He took her forcibly behind the bushes and committed rape on her. The applicant was standing on the road keeping watch on the people.

Based on her report, crime was registered against the applicant and co-accused vide CR No.I-06/2022 and the applicant was arrested on 11.01.2022 and since then, he is in judicial custody.

3. The learned counsel Shri A.J.Bhide appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence. The allegations of rape is against the co-accused. He has no criminal antecedents. It would not be justified to keep him behind bar till arrest of the co-accused. He is ready to abide by each and every conditions if any imposed by this Court. Lastly, he prayed for allowing his application.

4. The investigating Officer has filed say vide Exh.5 and strongly opposed the application on the ground that the offence is serious in nature. The co-accused who committed rape is still absconding. The applicant facilitated the co-accused in commission of the serious offence against the minor Victim. If he is released on bail, he may help the co-accused in tampering the evidence.

The ld. APP Smt Sangale has argued that applicant has committed serious offence. The offence is against the minor Victim girl. The investigation is in progress. She has argued in line with the say of the investigating Officer. Lastly, she prayed for rejection of the application.

5. After hearing both the learned counsels and on going through the Case-diary, it appears that the main accused is still absconding who has committed rape on the Victim girl. The role

assigned to the applicant is that, he was standing on the road and was keeping watch on the people for making co-accused alert. Thus, as per the allegations, he has facilitated the main accused in commission of the crime. There is no point in keeping this accused behind bar till arrest of the main accused. Considering the period of detention, role assigned to the applicant and Pandemic situation in the Country, I am inclined to release the applicant on bail with stringent conditions.

Order

1. Application is hereby allowed.
2. Applicant/ accused – Bhaskar Madhav Jadhav shall be released on **regular bail** on furnishing his P. R. bond of Rs.20,000/- with one or more sureties in the like amount.

He shall -

- (a) not act in manner injurious to the interest of the prosecution.
- (b) furnish the address of his residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicant/accused commit breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

(**Smt. S.S. Nair**)

Date : 09.02.2022.

I/c.

Addl. Sessions Judge-4, Nashik.

Addl. Sessions Judge-2, Nashik.