

Order below Exh.4 in Bail Application No. 1248/2022

1/- Gulab Shankar Bhavsar
& 1 other .. Applicants/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Nashik-Road Police Station, Nashik-Road.
(Cr. No.I 310/2022) .. Prosecution

Order below Exh.4.

1. This application has been filed by the applicants/accused under section **438 of Cr.P.C.** for releasing them on **anticipatory bail** in the event of their arrest in the aforesaid Crime registered at Nashik-Road Police Station, for the offence punishable under sections 376(2)(n), 504, 506 r/w. 34 of the Indian Penal Code and u/s. 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v) of the SC & ST (Prevention of Atrocities) Act and accordingly, interim protection was granted to applicants.
2. Heard learned Advocate V.R.Deshpande for applicants and learned APP Smt. Sangale. Informant is also present before the Court. She has submitted that she has no complaint against the accused persons. She wants to stay with her husband i.e. accused No.1. IO is present. Perused the case papers.
3. It is the case of the prosecution that the applicants facilitated main accused for sexually exploiting the victim and also humiliated her on the basis of her caste.
4. On perusal of record, it reveals that the informant is 31 years old lady. There are averments in the report that she was engaged in love-affair with the accused No.1 and on promise of

marriage, had physical relations with him. Informant being major and mature lady, is expected to know the consequences of physical intimacy with a person without marriage. Prima facie, it appears that relations between informant and accused No.1 were consensual. Howsoever it may be, there is no direct concern of the applicants with the alleged offence. There are allegations against the applicants that on 15.07.2022 and 05.08.2022, they threatened and abused the informant but then, report came to be lodged on 10.10.2022. Delay in lodging report prima facie creates doubt about its veracity. Considering long relationships between the parties, allegation as to humiliation are also prima facie found to be in cloud. Now, say is filed by the investigating officer with formal objections. It appears that the applicants cooperated the investigation.

5. The ld. Advocate for the Applicants submitted that the applicants do not have criminal antecedents. They are reputed person. They are permanent local resident. Therefore, considering all these aspects, this Court is of the view that interim relief granted to applicants, can be confirmed. Hence, the order.

::O R D E R::

The application (Exh. 01) is allowed.
Interim protection granted to applicants on
12.10.2022 stands confirmed subject to same
terms and conditions.

Nashik
Date : 19.10.2022.

(Aditee U. Kadam)
Additional Sessions Judge-2,
Nashik.