

**Order below Exh.4 in Bail Application No. 1252/2022**

Nikhil Gulab Bhavsar

.. Applicant/  
Accused.

Vs.

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

.. 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 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.
2. Heard learned Advocate V.R.Deshpande for applicant and learned APP Smt. Sangale. Informant is also present before the Court. IO is present. Perused the case papers.
3. It is the case of the prosecution that the applicant induced her on false promise of marriage and sexually exploited her. Thereafter applicant and his family members humiliated her on the basis of her caste and refused to perform marriage of the applicant with her.
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 applicant and she was indulged in physical relationships with him 2014. It is not her case that at any

point of time, applicant forced her for relationships. During such long span, she never complained, she being major and mature lady, she was well aware of the consequences of physical intimacy with the person other than husband. There is much delay in lodging the report which prima facie creates doubt about its veracity. Prima facie, it appears that relations between informant and applicant were consensual. It is a settled law that every breach of promise would not attract an offence of rape. Considering long relationships between the parties, allegation as to humiliation are also prima facie found to be in cloud.

5. Howsoever it may be, it reveals from record that applicant came to be arrested on 10.10.2022. There is no any recovery or discovery as such remain from the applicant. Ld. Advocate for the applicant submitted that applicant has no criminal antecedents. He is a local resident and he is ready to abide any conditions imposed upon him. Therefore, considering all these aspects, this Court is of the view that applicant can be released on bail. Hence, the order.

**::O R D E R::**

- 1] The application ( Exh. 01) is allowed.
- 2] The applicant Nikhil Gulab Bhavsar in Crime No.I-310/2022 of Nashik-Road Police Station for the offences 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), be released on bail in sum of Rs.15,000/- (Rupees Fifteen Thousand only) with a surety in the like amount subject to conditions that :-

- a] That the applicant shall make himself available for interrogation by the Investigation Officer as and when required under written intimation.
  - b] The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade her from disclosing such facts to the Court or to any Police Officer.
- 3] Inform P.S.O. concerned accordingly.

Nashik  
Date : 15.10.2022.

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