

Order Below Exh.1 in Cri.B.A.No.88/2022

CNR NO.MHNS010002362021

Rahul Sanjay Pawar Vs. State.

Heard : Ld. Adv. Ms. K. M. Kolhe for the applicant.
Ld. A.P.P. Ms. S. S. Sangle for the State.

1. This is an application under section 439 of the Code of Criminal Procedure in Crime No.12/2022 registered at Police Station, Ambad, Nashik for the offence punishable under Sections 354 D & 506 of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences Act. It is the case of prosecution in brief that the applicant/accused used to stalk the 16 year-old victim. On the date of the incident, he gave his mobile number to the victim and asked her to contact him. He also stated that he loves her and that she should meet him, otherwise he would harm himself.

2. Ld. Adv. for the applicant has submitted that the FIR is false. There was a love-affair between the applicant and the victim. He has filed photographs on record to that effect. The victim has herself clicked these photographs. The FIR came to be lodged because the victim's mother saw the number of the accused on her phone. Material part of the investigation is over. Applicant is ready to abide by the terms and conditions imposed by the Court.

3. Per contra, Ld. A.P.P. has opposed the bail application on the ground that there is *prima-facie* case against the applicant. If the applicant is released on bail, there are chances of his tampering with prosecution witnesses.

4. Material part of the investigation is over. Considering the same and considering the peculiar facts and circumstances of the case, no purpose will be served by keeping the applicant behind bars. In view thereof, I am inclined to allow the application subject to the following terms and conditions.

ORDER

- 1] The application is hereby allowed.
- 2] Applicant Rahul Sanjay Pawar be released on bail by executing P.R. and S.B. of ₹30,000/- with one or two local sureties of like amount.
- 3] Applicant shall not directly or indirectly, make any inducement, threat or promises to any person acquainted with the facts of accusation, so as to dissuade him/her from disclosing such facts to the Court or to the police officer and shall not tamper with the prosecution evidence in any manner.
- 4] Applicant shall not commit any offence.
- 5] Applicant is duty bound to inform the I.O. and the court about his change of address, if any.
- 6] Applicant shall furnish residence and ID proof of two blood relatives to the I.O.
- 7] Applicant shall attend all dates of hearing after the filing of charge-sheet.
- 8] Jail authorities shall conduct the necessary COVID-19 test before releasing the applicant.

Nashik
24/01/2022

Mridula Bhatia
District Judge-2 and
Addl.Sessions Judge Nashik.