

Order below Exh.1 in Cri.Bail Application No. 08/2022

Sumit Manohar Awachite .. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Nashik-road Police Station, Nashik-Road.
(Cr. No.I 106/2021) .. Prosecution

Order below Exh. 3.

1. This application has been filed by the applicant/accused u/s. 438 of Cr.P.C. for releasing him on **anticipatory bail** in the event of his arrest in the aforesaid Crime registered under sections 363, 366-A and 376(3) r/w. 34 of the Indian Penal Code and under sections 4 and 6 of the POCSO Act.
2. The FIR was lodged by the mother of the victim on 07.02.2021 alleging therein that her daughter who is 16 years old was kidnapped by the co-accused with ill-intention of having illicit relationship with him. On 07.02.2021, they both eloped as the co-accused has given assurance of marriage to her. Based on her statement, FIR was registered. The applicant is apprehending his arrest at the hands of the police. Hence, approached this Court for protection.
3. The learned counsel Ms. Mundada appearing for the applicant/accused has argued that applicant has no concerned with the crime, false case has been filed against him. She further states that there is no mention of his name in the FIR. The investigation is

completed and charge-sheet is filed and hence nothing remains to be seized from the accused. Hence, his custodial interrogation is not required. The star and key accused is already released on bail by this Court and hence ground of parity is also available. He is ready to abide all the terms and conditions whichever may be imposed on him, by this Court. Considering Pandemic situation in the Country, she prayed for bail of applicant/accused.

4. The Ld. APP Mrs. Reshma Jadhav has filed her say vide Exh.9 and submitted that the offence is serious and by taking undue advantage of the minority of the victim, the co-accused with the help of this applicant kidnapped the Victim. Since registration of the offence, the applicant is absconding. The offence is serious in nature. So, she prayed for rejection of the application.

The investigating Officer has filed his reply at Exh.8 and strongly opposed the application on the ground that if applicant is released on bail, he may again commit similar offence. Hence, lastly, he prayed for rejection of the bail application.

The original complainant has also resisted the application by filing her say vide Exh.6 and thereby contended that if applicant is released on bail he may pressurize the witnesses. The applicant is of criminal nature. He defamed her family in the Society. Hence, she prayed for rejection of the application.

5. After hearing both sides and going through the charge-sheet, prima facie it appears that the victim is 16 years old and co-accused is 20 years old. They were in love with each other. They had physical relationships but it appears that it was consensual. The

role assigned to the applicant is that he had given his room to the applicant and Victim for their stay. So he has facilitated the main accused in commission of crime. As the main accused is already released on bail, ground of parity is also available. As the investigation is completed, I am inclined to grant anticipatory bail to applicant on following conditions.

Order

1. Application is hereby allowed.
2. In the event of arrest, Applicant/ accused – Sumit Manohar Avchite shall be released on **anticipatory bail** on furnishing his P.R.bond of Rs.20,000/- with one or more sureties in the like amount, on the following conditions.:-

He shall -

- (a) not act in manner injurious to the interest of the prosecution.
 - (b) maintain law and order.
 - (c) 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 commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

Date : 18.01.2022.

(**Smt. S.S. Nair**)
Addl. Sessions Judge-4, Nashik.