

**Order below Exh.1 in Cri. Bail Application No.1240/ 2022**

**Vishwanath Sainath Chavan**

.. Applicant  
Accused.

Vs.

The State of Maharashtra  
through PI Nashik-Road Police St. .. Respondent.  
Nashik-Road. (Cr. No. I 273/2022)

**Order below Exh. 1**

1. The applicant/accused **Vishwanath Sainath Chavan** claims bail in C.R. No. I-273/2022 for the offences punishable under Sections 376 & 506 of the Indian Penal Code and under Sections 4 & 6 of the POCSO Act and u/s. 67, 67-A of the Information Technology Act registered with Nashik-Road Police Station, Nashik-Road.

2. Heard Learned Advocate Shri Kambale, for the applicant and learned A.P.P. Smt. Sangale for the State. The victim is also present. Perused the papers of investigation. Also perused the say filed by informant.

3. It is the case of the prosecution that applicant sexually exploited informant since long i.e. when she was minor.

He has further viral her nude photographs by sending it to her fiancée. Therefore, report is lodged by the informant against the accused.

4. Learned Advocate for the applicant submitted that there is no substance in the report lodged by the informant. She was engaged in love-affair with the applicant. She insisted to send such photographs to her fiancée. Therefore, it is the contention of learned Advocate for the applicant that prima facie is not made out. Informant is major and mature girl. She understand the consequences of her own act. Applicant alone should not be held responsible. Further it is contended that applicant is behind bar since since long. No purpose would serve by keeping him behind bar. Hence, it is submitted that application be allowed and applicant be released on bail.

5. Per contra, learned APP resisted the application with the contention that applicant has committed very serious and heinous offence. Prima facie evidence collected by the investigating officer indicates that applicant has sent nude photographs of informant to her fiancé with intention to break off her engagement. Copies of Whats-app communication reflects that the applicant threatened the informant. Applicant is married person and sexually exploited minor girl. Charge-sheet is not yet filed, therefore, learned APP submitted that the application be rejected.

6. On perusal of record, it reveals that the applicant is 30 years old person. There are specific allegations that in the year 2020 for the first time, he had sexual relations with informant. Thereafter, he has shown her nude photographs and by threatening her to defame, on various occasions, he used to had sexual relations with her. In May 2020, applicant performed marriage with other girl. Thereafter, marriage of informant was fixed with other boy and her engagement was to be performed on 28.08.2022. At that time, applicant threatened the informant that he would viral her nude photographs and videos. She has blocked his mobile number. But then, applicant has sent nude photographs of the informant to her fiance and to other relatives. Thereby, her engagement was break off. It appears that at that time, family members of the informant came to know about the incident.

7. It is the contention of applicant that delay in lodging report indicates that the FIR is concocted one. But, considering the nature of offence, pressure and mental condition of informant and her family members, it is quiet natural that they would take some time to proceed with the criminal action by keeping chastity of the girl at stake. Conduct of the applicant is such that he has rudely viral the nude photographs of the informant. Such act of the applicant cannot be said to be out of love-affair when especially he founds to be married one. On the contrary,

such conduct of the applicant reflects his pervert mind. Prima facie documents produced on record i.e. extracts from mobile of applicant i.e. in the form of photographs and Whats-app chat shows that the applicant was threatening the informant.

8. Thus, prima facie concern of the applicant with the alleged serious and heinous crime is established on record. The maximum punishment contemplated under the Act can extend upto imprisonment for life. If the applicant would be released on bail, there is every possibility that he may pressurize the victim and tamper with the prosecution evidence. Thus, viewed from any angle, the application filed by the applicant is not sustainable. Hence, the order.

### **Order**

Application (Exh.1) stands rejected.

Nashik.

14.10.2022.

(Smt.Aditee Uday Kadam),  
Additional Sessions Judge, Nashik.