

**Order below Exh.1 in Cri. Bail Application No. 118/2022**

Bobby @ Piyush Virendra Chauvahan .. Applicant/  
Accused.

Vs.

The State of Maharashtra  
through Police Inspector,  
Upnagar Police Station, Nashik.  
(Cr. No.I 09/2022)

.. 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 Upnagar Police Station, for the offence punishable under section 376(2)(n) of the Indian Penal Code and u/s. 4 & 6 of the POCSO Act.

2. According to the prosecution, the FIR was lodged by the Victim who is 17 years old girl, alleging therein that, she became acquainted with accused and by passage of time, their friendship turned into a love affair. In the month of February 2021, applicant took her to Gandhi Nagar Government Press Quarters in a dilapidated building and insisted her for physical relationship. She refused and so the accused got annoyed and left the place. He again insisted her to have a physical relationship with him. Ultimately, the victim surrendered to his desires. He had physical relations with her on the pretext of marriage. He continued the act on several occasions. As a result,

she became pregnant. She informed the accused about her pregnancy and so started avoiding her and ultimately, he broke all relations with her. In the meantime, the complainant gave birth to a Baby girl. Being minor, the matter was reported to the police.

Based on her report, crime was registered against the applicant vide CR No.I-9/2022 and he was arrested on 09.01.2022 and since then in judicial custody.

3. The learned counsel Smt. V.V.Mundada appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence. She further submitted that applicant and the Victim were in love with each other and the said fact was known to their family members. There was no force on the part of the applicant. He did not do anything wrong to the victim. He was falsely implicated just because he didn't listen to the complainant. He is ready to abide each and every conditions if any imposed. Lastly, he prayed for grant of bail to the applicant/accused.

4. The investigating Officer has filed say vide Exh.5 and strongly opposed the application on the ground that applicant is the habitual offender. He has committed heinous crime against a minor girl. The investigation is still in progress. Considering the nature offence, he prayed for rejection of the application.

The ld. APP Smt Sangale has argued that applicant has committed serious offence. The investigation is in progress. Lastly, she prayed for rejection of the application.

On receipt of the notice, the Victim appeared and resisted the application by filing her say vide Exh.6 and submitted that the applicant has forcefully established physical relations with her against her will and made her pregnant. She gave birth to a Baby girl. He avoided to marry her and so prayed for rejection of the application.

5. After hearing both the learned counsels and on perusal of the case papers and say filed by the Victim, it appears that investigation is still in progress. The offence is serious in nature attracting imprisonment of the term not less than 20 years or life imprisonment. The statement of the victim u/s. 164 of Cr.P.C. is yet to be recorded. So the apprehension of the Investigating Officer that he may tamper the witnesses cannot be ruled out. Further, he has criminal antecedents. At this stage, I am not inclined to release the applicant on bail.

### **Order**

1. Application stands rejected.

( **Smt. S.S. Nair** )

Date : 05.02.2022.

I/c.

Addl. Sessions Judge-4, Nashik.

Addl. Sessions Judge-2, Nashik.