

**Order Below Exh.1 in Cri.B.Appln.No.196/2022**  
**CNR NO.MHNS010005692022**

Dawal Uttam Lokhande Vs. State.

**Heard:** Ld. Adv. Mr. Anand Bhosale for the applicant.  
Ld. A.P.P. Ms. S.S. Sangle for the State.  
Perused the say filed by the complainant/ victim.

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 in Crime No.120/2021 registered at Police Station, Nashik Road, Dist-Nashik for the offence punishable under Section 376 of the Indian Penal Code, 1860. It is the case of prosecution in brief that the 29 year-old accused/applicant raped the minor victim and impregnated her.

2. Ld. Advocate for the applicant has submitted that the FIR is false. Applicant is ready to abide by the terms and conditions imposed by the court. Therefore, no purpose will be served by keeping him behind bars.

3. Per contra, Ld. A.P.P. has vehemently opposed the application on the ground that there is *prima-facie* case against the applicant. Offence is serious in nature and is punishable up to imprisonment for life. The victim is 7 months pregnant. Investigation is in progress and charge-sheet is yet to be filed. If the applicant is released on bail, there are chances of his tampering with prosecution witnesses.

4. Perusal of case-diary reveals *prima-facie* case against the applicant. Offence is serious in nature and is punishable up to imprisonment for life. The victim is 7 months pregnant and belongs to an impoverished background. Investigation is in

progress and charge-sheet is yet to be filed. Applicant is resident of the same village as the victim. Therefore, apprehension of the Ld. A.P.P. that if the applicant is released on bail, there are chances of his tampering with prosecution witnesses is well-founded. The fact that the complainant and the victim have filed an affidavit (bearing their thumb impression) giving their 'no-objection' to the applicant being released on bail speaks volumes about the tampering of prosecution witnesses. In view of the foregoing discussion, I am inclined to reject the application.

**ORDER**

Application is hereby rejected.

Nashik  
28/02/2022

Mridula Bhatia  
District Judge-2 and  
Additional Sessions Judge, Nashik.