

**Order below Exh.1 in Cri. Bail Application No. 116/2022**

Dhanraj Shantaram Jopale

.. Applicant/  
Accused.

Vs.

The State of Maharashtra  
through Police Inspector,  
Abhona Police Station, Tal. Kalwan.  
(Cr. No.I 03/2022)

.. 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 Abhona Police Station, for the offence punishable under section 376, 363, 341 r/w. 34 of the Indian Penal Code and u/s. 4, 8 of the POCSO Act.

2. According to the prosecution, the FIR was lodged by the father of the Victim, alleging therein that, his daughter who is 14 years old girl, was kidnapped by some unknown persons. During investigation, it revealed that the Victim eloped with accused No.1 as she was in love with him. During their stay, they had a physical relations. The role assigned to the applicant is that he had facilitated the accused No.1 in commission of the crime.

Based on the statement of the complainant, crime was registered against the applicant and co-accused vide CR No.I-

3/2022 and the applicant was arrested on 09.01.2022 and since then, he is in judicial custody.

3. The learned counsel Shri D.S.Padvi appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence. No specific role is assigned him. He has no criminal antecedents. He is ready to abide by each and every conditions if any imposed by this Court. Lastly, he prayed for allowing his application.

4. The investigating Officer has filed say vide Exh.5 and strongly opposed the application on the ground that applicant, Victim and witnesses are from the same village and if he is released on bail, he may pressurize the complainant and witnesses which would result in tampering of the evidence.

The ld. APP Smt Sangale has argued that applicant has committed serious offence. The investigation is in progress. The applicant was also involved in commission of the crime. Lastly, she prayed for rejection of the application. The notice was issued to the Complainant and she appeared before the Court and orally submitted that she has no objection for giving bail to the applicant.

5. After hearing both the learned counsels, complainant in person and on perusal of the case papers, it appears that though the offence is serious in nature, but accused No.1 is the

main person who committed rape on the victim. The Investigating Officer has not made it clear as to how applicant has extended help to accused No.1. Further, he was arrested on 09.01.2022 and since then he is in custody. Considering the fact that no specific role is assigned to applicant, period of detention and that due to Pandemic situation in the Country, there is no possibility of commencement of trial in near future. Hence, I am inclined to release the applicant on bail with stringent conditions.

### **Order**

1. Application is hereby allowed.
2. Applicant/ accused – Dhanraj Shantaram Jopale shall be released on **regular 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) 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 commit breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

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

Date : 05.02.2022.

I/c. Addl. Sessions Judge-4, Nashik.  
Addl. Sessions Judge-2, Nashik.