

**Order Below Exh. 1 in Cri. B. Appln. No. 123/2022
(CNR No. MHNS010003112022)**

Imran Akil Sayyad V/s. State

Heard: Ld.Adv. Mr. J. N. Shinde for the applicant.
Ld. A.P.P. Ms. S. S. Sangle for the State.

1. This is an application under section 438 of the Code of Criminal Procedure in Crime No.21/2022 registered at Ghoti Police station for the offence punishable under Sections 376 of the Indian Penal Code, 1860. It is the case of prosecution in brief that the accused/applicant committed sexual intercourse with the victim on the false promise of marriage (including the promise to look after her child from another marriage).

2. Ld. Advocate for the applicant has submitted that there is gross delay of four years in lodging FIR. The alleged victim is 32 years old who was capable of understanding the consequences of being in a relationship with the applicant. There is no necessity of custodial interrogation. Applicant is ready to co-operate with the investigating agency and comply with the terms and conditions imposed by the Court.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that custodial interrogation of the applicant is necessary, especially for conducting his medical examination.

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4. Applicant is ready to comply with the terms and conditions imposed by the court. Considering the allegations, there appears to be no necessity of his custodial interrogation. In view thereof, I am inclined to allow the application subject to the following terms and conditions.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of arrest of applicant (Imran Akil Sayyad), he be released on executing P. R. and S. B. of of ₹15,000/- with one local surety of like amount.
- 3) Applicant shall co-operate in the investigation and shall attend the concerned police station on every Saturday between 11.00 a.m. to 1.00 p.m. and shall submit himself for medical examination (if required by the I.O.).
- 4) Applicant shall not directly or indirectly, make any inducement, threat or promises to any person acquainted with the facts of accusation, so as to dissuade him/her from disclosing such facts to the Court or to the police officer and shall not tamper with the prosecution evidence in any manner.

Nashik
10/02/2022.

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