

**Order Below Exh.1 in Cri. Bail Appln. No. 119/2022**

Kiran Bhivaji Gade Vs. State.  
CNR No.MHNS010003032022

**Heard:** Ld. Adv. Ms. U. V. Mundada for the applicant/  
accused.  
Ld. A.P.P. Smt. S. S. Sangle for the State.

1. This is an application under section 439 of the Code of Criminal Procedure in Crime No.285/2021 registered at Police station, Upnagar, Nashik for the offence punishable under sections 376, 377, 323, 504 & 506 of the Indian Penal Code, 1860, and 3(1)(r), 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Atrocities Act'). It is the case of prosecution in brief that the applicant/accused committed sexual intercourse with the victim over a period of time on the false promise of marriage. However, later he refused to marry her on the ground that she belongs to a lower caste.

2. Ld. Adv. for the applicant has submitted that material part of the investigation is over and charge-sheet is about to be filed. Victim is 24 years old and was in a consensual relationship with the accused/applicant(as is evident from the FIR). Applicant is ready to abide by the terms and conditions imposed by the court.

3. Per contra, Ld. A.P.P. has opposed the bail application on the ground that there is *prima-facie* case against the applicant.

4. Perusal of the material on record *prima-facie* indicates consensual relationship with the victim who is a major. Material part of the investigation is over and charge-sheet is about to be filed. Considering the same and considering the peculiar facts and circumstances of the case, I am inclined to allow the application subject to the following terms and conditions.

**ORDER**

- 1] Application is hereby allowed.
- 2] Applicant Kiran Bhivaji Gade be released on bail by executing P.R. and S.B. of ₹30,000/- with one or two solvent sureties of like amount.
- 3] 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.
- 4] Applicant shall not commit any offence and shall attend all dates of hearing.
- 5] Applicant is duty bound to inform the I.O. and the court about his change of address, if any.
- 6] Applicant shall furnish residence and ID proof of two blood relatives to the I.O.

Nashik  
28.02.2022

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