

Order Below Exh.1 in Cri. B. Appln. No. 201/2022

(CNR No. MHNS010005802022)

Sagar Madhukar Koli (Kakulade) Vs. State.

Heard: Ld. Adv. Mr. Pratik P. Pawar for the applicant.
Ld. A.P.P. Ms. S. S. Sangle for the State.

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 in Crime No.166/2021 registered at Police Station, Satpur, Nashik, for the offence punishable under Sections 376(2)(n), 366, 363, of the Indian Penal Code, 1860 (hereinafter referred to as IPC) and Sections 4 & 6 of the Protection of Children from Sexual Offences Act. It is the case of prosecution in brief that the accused/applicant kidnapped the minor victim and committed sexual intercourse with her.

2. Ld. Adv. for the applicant has submitted that there was a consensual love-affair between the supposed victim and the applicant. She willingly accompanied him and they both got married. He has filed photographs of the wedding on record. He has submitted that it can be seen in all the photographs that the victim is very happy and there is no force or coercion on her. The victim is more than 16 years old. At the maximum, it can be stated that their marriage is voidable. Material part of the investigation is over. 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. Material part of the investigation is over. Applicant is ready to abide by the terms and conditions imposed by the Court.

Considering the same and considering the peculiar facts and circumstances of the case, no purpose will be served by keeping the applicant behind bars. In view thereof, I am inclined to allow the application subject to the following terms and conditions.

ORDER

- 1] The application is hereby allowed.
- 2] Applicant Sagar Madhukar Koli (Kakulade) be released on bail by executing P.R. and S.B. of ₹30,000/- with one or two local 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.
- 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.

(Order is dictated & pronounced in open court).

Nashik.
04/03/2022.

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