

Order Below Exh.1 in Cri.B.Appln.No.200/2022
CNR NO.MHNS010005762022

Yohan Vishnu Pawar Vs. State.

Heard: Ld. Adv. Mr. S. V. Bhate for the applicant.
Ld. A.P.P. Ms. S.S. Sangle for the State.
I. O. present.
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.29/2021 registered at Police Station, Peth, Dist-Nashik for the offence punishable under Section 376, 354, 326 & 324 of the Indian Penal Code, 1860. It is the case of prosecution in brief that when the victim had gone to a lake for washing clothes, the accused/applicant forced himself upon her and when she tried to resist, he banged her head against a stone slab and also assaulted her with a stone on her head and hand and bit her cheek.

2. Ld. Advocate for the applicant has submitted that initially the offence was registered only under section 354 of the I.P.C. and the applicant was granted bail by the Ld. J.M.F.C. It is only subsequently after the statement of the victim was recorded under Section 164 of Cr.P.C. that Section 376 of the I.P.C. came to be added. 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. 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. I. O. has stated that he has made an application to add section 307 of the I.P.C. considering the gravity of the injuries inflicted upon the victim by the applicant.

4. The victim is present before the Court and has filed her say strongly opposing granting of bail to the accused.

5. Perusal of case-diary reveals *prima-facie* case against the applicant. Offence is serious in nature and is punishable up to imprisonment for life. Investigation is in progress and charge-sheet is yet to be filed. 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 photographs and medical report of the injuries sustained by the victim on her head and cheek depict the depravity and gravity of the offence. In view of the foregoing discussion, I am inclined to reject the application.

ORDER

Application is hereby rejected.

Nashik
02/03/2022

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