

Order Below Exh.1 in Cri. B. Appln. No. 275/2022

(CNR No. MHNS010008482022)

Amar Ashok Gaikwad Vs. State.

Heard: Ld. Adv. Mr. J.D. Shelar for the applicant.
Ld. A.P.P. Ms. S. S. Sangle for the State.
Perused the say of the victim.

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 in Crime No.I-37/2022 registered at Bhadrakali Police Station,Nashik for the offence punishable under Sections 376A and of the Indian Penal Code, 1860 (hereinafter referred to as IPC) and Sections 4 & 8 of the Protection of Children from Sexual Offences Act. It is the case of prosecution in brief that the accused/applicant (biological father of the 11 year-old victim) touched her private part, fondled her breast and asked her to touch his penis.

2. Ld. Adv. for the applicant has submitted that the FIR is false. The truth of the matter is that the victim has been given in adoption to a relative. She is staying with the said relative away from her biological parents. The adoptive parents of the victim are insecure and apprehensive that the victim is developing fondness towards her biological parents. Therefore, the FIR has been filed as a ploy to distance the victim from her biological parents, lest she bend towards them. No such act was committed by the applicant/father. 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. If he is released on bail, there are chances of tampering with prosecution witnesses. Victim is only 11 years old. She had narrated the incident to her teacher and that is how the offence

came to be registered.

4. Material part of the investigation is over. Section 164 of Cr.P.C. statement of the victim has been recorded. Applicant is ready to abide by the terms and conditions imposed by the Court. Considering the same, I am inclined to allow the application subject to the following terms and conditions.

ORDER

- 1] The application is hereby allowed.
- 2] Applicant **Amar Ashok Gaikwad** 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.
30/03/2022.

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