

Order Below Exh.1 in Cri. B. Appln. No. 256/2022
(CNR No. MHNS010007972022)

Jalindar Somnath Dive Vs. State.

Heard: Ld. Adv. Mr. G. L. Bodke 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.17/2022 registered at Police Station, Harsul, Dist. Nashik, for the offence punishable under Sections 376 & 417 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 committed forcible sexual intercourse with the victim and impregnated her due to which she has delivered a child.

2. Ld. Adv. for the applicant has submitted that the so-called victim is almost 17 years old, while the applicant is 23 years old. Both of them belong to Scheduled Tribe and were married on 22/05/2021 as per the customs and rituals prevalent in their community. He has annexed a copy of their wedding invitation card. The FIR came to be lodged when the victim had gone to the hospital for delivery. 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 Jalindar Somnath Dive 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.
09/03/2022.

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