

**Order Below Exh.1 in Cri.B.Appln.No.320/2022**  
**CNR NO.MHNS010010502022**

Khushal Madhukar Chaudhary Vs. State.

**Heard:** Ld. Adv. Mr. V. G. Pawar 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.63/2022 registered at Police Station, Dindori, Dist. Nashik for the offence punishable under Section 376 & 506 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 when the 15 year-old minor victim's parents were not at home, the 29 year-old applicant came to her house and clicked her videos when she was bathing. He threatened her with making the said video viral if she does not have sexual intercourse with him. The victim consumed poison due to the said pressure and later on confided in her mother about the incident.

2. Ld. Advocate for the applicant has submitted that there was a love-affair between the victim and the applicant. She willingly had sexual intercourse with the accused. Moreover, there is a delay of 4 days in lodging FIR. 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.

4. The complainant is present before the Court and has strongly opposed the bail application.

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 victim is only 15 years old while the accused is almost double her age. Consent of a minor is not valid in the eyes of law. In view of the foregoing discussion, I am inclined to reject the application.

**ORDER**

Application is hereby rejected.

Nashik  
22/03/2022

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