

Order Below Exh. 1 in Cri. B. Appln.No. 233/2022

(CNR No. MHNS 01 000664 2022)

Pramod Arun Shelke Vs. State

Heard: Ld.Adv. Mr. G. P. Sanap 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 in Crime No.37/2022 registered at Dindori Police Station, Dist. Nashik for the offence under sections 498-A, 377, 406, 313, 504, 506 & r/w Sec. 34 of the Indian Penal Code(I.P.C.). It is the case of prosecution in brief that the accused (husband and in-laws of the victim) inflicted physical and mental cruelty on her. Her husband also committed anal sexual intercourse with her without her consent and also forced her for abortion. The applicant herein is the husband of the victim.

2. Ld. Adv. for the applicant has submitted that the FIR is false. Section 377 of the I.P.C. has been added purely with a view to arm-twist and harass the applicant. There is no medical certificate to indicate any injury on the anus of the victim. The allegations are vague, bald and general in nature. It is pertinent to note that the abortion of the victim took place at her maternal home. Therefore, there is no question of the applicant or his family members forcing her to have an abortion. The victim

chose to abort the fetus of her own free-will, volition and accord. It is also pertinent to note that the said allegations were not made by the complainant to the Women's Cell which further demonstrates that the graver sections have been added as an after-thought. Material part of the investigation is over. Applicant comes from a respectable background and is a permanent resident. He is ready to abide by the terms and conditions imposed by the Court. There is no possibility of his fleeing from justice.

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 his tampering with prosecution witnesses.

4. Material part of the investigation is over. Offence is not punishable by life imprisonment/ death. Applicant is ready to abide by the terms and conditions imposed by the Court. No purpose will therefore 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] Application is hereby allowed.
- 2] Applicant **Pramod Arun Shelke** 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 and shall attend all dates of hearing after filing of charge-sheet.
- 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.

(Dictated and pronounced in open Court)

Nashik
05/03/2022

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