

**Order Below Exh.1 in Cri. B. Appln. No. 240/2022**  
(CNR No. MHNS010007142022)

Prashant Milind @ Balu Bhalerao Vs. State.

**Heard:** Ld. Adv. Ms. Alka Shelke/More Patil 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.160/2021 registered at Police Station, Nashik Road, Nashik, for the offence punishable under Sections 376 & 417 of the Indian Penal Code, 1860 (hereinafter referred to as IPC) It is the case of prosecution in brief that the accused/applicant befriended the victim (a widow with two children) and committed sexual intercourse with her on the promise of marriage. He even told her that he would give his name to her children. However, later, he refused to marry her.

2. Ld. Adv. for the applicant has submitted that the applicant and the victim both are almost 30 years old. The relationship was consensual and could have gone either way. Investigation is over and charge-sheet has been filed. 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. The applicant has cheated the victim and has adopted the policy of 'use and throw' vis-a-vis the victim. If the applicant is released on bail, there are chances of his tampering with prosecution witnesses.

4. There is *prima-facie* case against the applicant for having committed sexual intercourse with the victim on the false

promise of marriage. However, considering the fact that investigation is over and charge-sheet has been filed and applicant is ready to abide by the terms and conditions imposed by the Court, 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 **Prashant Milind @ Balu Bhalerao** be released on bail by executing P.R. and S.B. of ₹30,000/- with one or two local solvent 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.
- 7] Applicant shall attend all dates of hearing.

(Order is dictated & pronounced in open Court).

Nashik.  
14/03/2022.

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