

**ORDER BELOW EXH. 4**  
**IN**  
**CRI. MISC. (BAIL) APPLICATION NO. 248/2022.**

**Sulabha Lalitkumar Parakh and another Vs. State.**

**Heard-** Ld. Adv. Mr. P. P. Kochar for the applicants.

1. This is an application under section 438 of Criminal Procedure Code in Crime No.28/2022 registered at Ghoti Police Station and C.R.No.00/2022 registered at Upnagar Police Station, Nashik for the offence under sections 354, 376, 377, 323, 504, 506 & r/w 34 of the Indian Penal Code, 1860. The offence was initially registered at Upnagar Police Station and later on transferred to Ghoti Police Station. It is the case of prosecution in brief that the accused No.1 committed forcible intercourse with the victim on the false promise of marriage. The applicants(accused No.2 and 3) verbally abused her and physically assaulted her by pulling her hair.

2. Ld. Adv. for the applicants has submitted that the FIR is nothing but a gross misuse and abuse of the provisions of law, in as much as the applicants are women. There is no allegation of sexual assault against them. They have been falsely implicated to arm-twist the prime accused. Custodial interrogation of the applicants is not necessary. Applicants are ready to abide by the terms and conditions imposed by the Court.

3. The applicants are women and there is no allegation of sexual assault against them. They are not the prime accused.

Perusal of the oral report indicates a case of consensual sex with the prime accused. It is necessary to call for the say of I.O. *Prima-facie*, it also appears that no recovery needs to be made from the applicants. Applicants are ready to abide by the terms and conditions imposed by the Court. In view of the foregoing discussion, I am inclined to allow the application in terms of the following order.

**ORDER**

- 1) The application Exh. 4 is allowed.
- 2) In the event of arrest of applicants (Sulabha Lalitkumar Parakh and Prajakta Gautam Parakh) they be released on executing P. R. bond of ₹15,000/- each with one local surety of like amount.
- 3) Applicants shall attend the concerned Police Station as and when called by the Investigating Officer.
- 4) Applicants shall co-operate in the investigation and shall not tamper with the prosecution witnesses.
- 5) Issue notice to the I.O. returnable on 05/03/2022.

22/02/2022  
Nashik

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