

**Order Below Exh.1 in Cri.B.Appln.No.353/2022**  
CNR NO.MHNS010011902022  
Amandeep Pramod Sharma 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 filed by the complainant/victim.

1] This is an application under Section 439 of the Code of Criminal Procedure, 1973 in Crime No.157/2020 registered at Police Station, Wadi-wrhe, Dist. Nashik for the offence punishable under Sections 363 of the Indian Penal Code, 1860 & Section 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012. It is the case of prosecution in brief that the applicant accused kidnapped the minor victim and committed sexual intercourse with her due to which she gave birth to a child.

2] Ld. Adv. for the applicant has submitted that the victim is now 17 years old. She belongs to *Adivasi Samaj* where such things are prevalent. She had a love-affair with the applicant. No purpose will therefore be served by keeping the applicant behind bars.

3] Per contra Ld.A.P.P. vehemently opposed the application on the ground that offence is serious in nature and the victim was only 15 years old on the date of occurrence of the offence. She was missing for almost 2 years. The applicant has been arrested only on 09/03/2022. The applicant does not belong to the *Adivasi* community. Investigation is in progress and charge-sheet is yet to be filed. If the application is released on bail there are chances of his tampering with prosecution witnesses.

4] It is a well-documented fact (including by the United Nations) that early motherhood (in teenage) robs these girls of education and optimum health and also deprives them from reaching their full potential. The applicant was absconding for long and had shifted to another State along with the victim. Getting married to the victim can in no way be considered as a panacea. Perusal of the case diary indicates *prima-facie* case against the applicant. The very fact that the victim has filed her 'no-objection' to the application being granted itself indicates that prosecution witnesses are already being tampered with. Moreover, victim was brought before the Court by the Id. Advocate for the applicant. The minor victim was brought to the Court with the new-born premature Baby to make the statement. Assuming that the applicant had indeed married the victim, even then, child-marriage of such a young girl cannot be permitted under the guise of a love-affair. Investigation is at nascent stage. Therefore, apprehension of the Id. A.P.P. that if the applicant is released on bail, there are chances of his tampering with prosecution witnesses is also well-founded. In view of the foregoing discussion, I am inclined to reject the application.

**ORDER**

Application is hereby rejected.

Nashik  
23/03/2022

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