

	Bail Petition No.1687/ 2022 Dnyandeo Kopnar & Ors. Vs. State
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Order below Exh.1 :-
(Delivered On 15.10.2022)

1. This is an application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973 in Crime vide CR.No.I-938/ 2022 dated 30.09.2022 registered with Rahuri police Station, Tal. Rahuri, Dist. Ahmednagar for the offences punishable under section 376(2)(9), 323, 504, 506 of the Indian Penal Code-1860 and under section 3(1)(w) (i) (ii), 3(2) (v-a) of The S.C. and the S.T. (P.O.A) Act, 1989.

2. The prosecution alleged that complainant Nandini Madhavrao Deshmukh, aged 21 years belongs to Hindu Chambhar caste. She used to meet her friend Asha Gawali, where she came to know Narayan Dnyandeo Tamnar. On 06.06.2021 at about 04.30 p.m. Narayan proposed her and again on 09.06.2021, he threatened her that if she do not marry him, he will commit some harm to himself. When she admitted his proposal of marriage, on the same day, he subjected her to physical intercourse. Thereafter from time to time, under the promise of marriage, she succumbed to his demand of physical relations. But whenever she raised the issue of marriage, he started avoiding. In December 2021, again he subjected her to physical intercourse and told her that she should reside with her friend Asha so that he would be able to come to meet her intermittently.

3. Subsequently complainant asked him for some money for expenses, but Narayan threatened to kill her. On 11.09.2022 complainant came to know that she is pregnant, Narayan administered some concoction to her. On 12.09.2022 because of that she suffered from abortion. He was threatening to kill her under the

wheels of vehicle.

4. On 19.09.2022, when she had been to house of Narayan at Tamnar Akhada, his mother Ranjana, father Dnyandeo, cousin brother Vilas and Bhavdya Chormale were present. In their presence she asked Narayan as to when he is going to marry her. On that all of them abused her saying that, she being of Chambhar caste whether he is capable of marrying their son Narayan and beaten her with kicks and boxes. They threatened her that if she lodge complaint, he will kill her.

5. Learned Advocate for applicants submitted that the applicant has not committed any offence. They are made accused only because they are close relatives of Narayan. There is too much delay in lodging the report. Narayan is already arrested and is in judicial custody. The incident did not occur in public place.

6. Learned Advocate submitted that whatever had occurred was within four corners of the wall and therefore bar of section 18 is not attracted. The investigation is almost completed. There are no criminal antecedents. They belongs to reputed family. They are ready to co-operate with the police machinery. Hence they may be granted relief.

7. The applicants submitted document below Exh. 3 which includes copy of FIR and their documents relating to identity and the remand reports.

8. The Learned Advocate for applicants relied on the judgment of Bombay High Court in **Amit Shelar V/s. State, (2019) 3 crimes-216** and judgment of Hon'ble Delhi High Court in **Joy Dev Nath V/s. State Docid/# India Law LIb/1819676**.

9. The notice was issued to complainant and she was asked in open court. She had submitted her written reply. I have gone

through it. It narrated the same incident, as mentioned in the complaint. Orally complainant submitted that she had been subjected to assault and rape. She needs justice. But subsequently she added in separate reply that applicants are threatening her. There is a threat to her life. They are demanding a settlement. She is not ready to settle the matter.

10. In this case, applicants had also submitted documents regarding Sessions Case No. 28/2021, which is the charge-sheet against Nandini Sharad Chavan @ Nandini Madhavrao Deshmukh (complainant in the instant case) under section 306 of IPC. The allegations were that one Santosh @ Satish Sarjerao Chavan had lodged the report that his brother Sharad Chavan was trapped by the complainant in love relations and she alleged rape by Sharad Chavan. Subsequently she was abusing and defaming them threatening them demanding Rs.1.5 Lac to settle the matter. But subsequently Sharad committed suicide. It is alleged that complainant is habituated to such relations, therefore such complainant cannot be believed.

11. Considering the material on record and the contents of FIR, it appears that whatever had occurred is within the house of accused. It cannot be regarded as a public place. Moreover uttering the word “चांभरड्या ” without attributing any other obscene or insulting words to such caste, cannot be regarded as an offence under Atrocity Act. Moreover the relations of the main accused with complainant and the present applicants being relatives of the main accused, is not sufficient to conclude that they are involved in the offence of rape or insult to the complainant. The track record of the complainant is shocking. Already a man had lost his life due to her acts. In such circumstances there is a reason to believe that prima facie, she might have committed the same act with the present

applicants. In view of the contents of FIR , I hold that the section of Atrocity Acts are not attracted. Prima facie they are not involved in the main offence of rape. Hence there is no bar to entertaining this application. Hence the applicants are entitled to relief. Hence subject to certain conditions the application is allowed.

ORDER

1		The Bail Application No.1687 /2022 is allowed as follows:
2		The accused /applicant no.1 Dnyandev Parvat Kopnar applicant no.2) Ranjanabai Dnyandev Kopnar applicant no.3) Vilas Pandharinath Kopnar , applicant no.4) Kondiram alias Bhavdya Machhindra Chormale vide CR.No.I-938/ 2022 dated 30.09.2022 registered with Rahuri police Station, Tal.Rahuri, Dist. Ahmednagar for the offence punishable under section 376(2)(9), 323, 504, 506 of the Indian Penal Code-1860 and under section 3(1)(w) (i) (ii), 3(2) (v-a) of The S.C. and the S.T. (P.O.A) Act, 1989 be released on PB and SB of Rs.15,000/- each in the event of arrest. They shall attend the police station on every Saturday in between 10.00 a.m. to 12,00 noon till filing of the charge-sheet.
	a	Accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
	b	Accused shall not leave India without the previous permission of the Court.
	c	They shall not tamper with the evidence in any manner; They shall not threaten or pressurize any witness, failing which their bail shall be canceled.
	d	The applicants shall not indulge in any criminal activity.

e	Inform concerned Police Station by sending the copy of this order.
f	Accused is permitted to submit two sureties for the purpose of bail.

Date : 15.10.2022

(**N.R. Naikwade**)
Additional Sessions Judge,
Ahmednagar