

MHBI040012782022



ORDER BELOW EXH.1 IN CRI. BAIL APPLN. No. 478/2022

Nathrao Prabhakar Munde and others

Vs.

The State of Maharashtra

[CNR No.MHBI040012782022]

01] The applicant 1] Nathrao Prabhakar Munde, age 52 years and 2] Kusum w/o Nathrao Munde, age 48 years have filed bail application U/Sec. 438 of Cr.P.C. in connection with Crime No. 195/2022 Ambajoai Rural Police Station for the offences punishable U/Sec 376 (2)(n),452,323,354,354-A,354-D,506 r.w. S.34 of IPC and under section 4 and 6 and 8 and 12 of the Protection of Children From Sexual Offences Act.

02] Informant who is alleged minor victim girl of 17 years and 04 months lodged false complaint against the main accused. However, it is the contention of the present applicants that they have not committed any offence as alleged by the informant. She stated in her complaint that her marriage was performed on 26-12-2021, in her village. Her husband is also residing in her village. After marriage she had been towards the house of her husband for cohabitation. She is also taking education in XII Std. In Women's College at Ambajogai. Her husband used to bring her at Ambajogai for college purpose and some times she alone had come in college in auto rickshaw. Accused very well aware her marriage is performed even though whenever no any family members were

present in her house he used to come and told you are like to me. He also sent love letter and he also scuffled with her. Near about five to six times he had came towards her husband's house. She narrated the said fact to her husband and father-in-law.

03] When she had been at Ambajogai for college purpose during interval accused by giving threat called to her at Choupati and given Bhel to her and snapped some photographs and pressed her chest. Thereafter, on 29-08-2022 she had been towards her house. Accused had came towards her house. Accused thrown one mobile in her house. Then she seen the said mobile at that time one call came on the said Mobile and accused was talking with her. He also threatened to kill her. When she was talking with the accused on Mobile her husband seen to her, he assaulted her and drove away to her from his house. So she had came towards her parents house. Then she had been towards Police Station and lodged the complaint.

04] It is the contention of the applicant that, they have not committed any offence as alleged by the informant. However,during investigation I.O. recorded supplementary statement of the alleged minor victim girl and she stated her marriage performed with Pravin Nathrao Munde when she was minor, present applicants are the parents of her husband Pravin so they falsely involved in this case. So on the basis of supplementary statement of alleged minor victim girl I.O. is trying to arrest them. Therefore, they prayed they be released on pre-arrest bail.

05] Investigating Officer/APP filed their say stating therein that the present applicants are the parents of accused Pravin. Present applicants very well aware victim girl was minor on the day of her marriage with Pravin, even though they performed

marriage of their son with the minor victim girl. Therefore, presence of present applicants with I.O. is essential one. If present applicants are released on pre-arrest bail, they will pressurize to the minor victim girl and prosecution witnesses. Therefore, it is prayed for rejection of pre-arrest bail application.

06] However, perused the bail application, say of I.O. investigation papers. So it appears that, as per complaint lodged by minor victim girl of 17 years and 04 months old aforesaid offence is registered against the main accused for an offence punishable under sections 354 of IPC. During investigation I.O. recorded supplementary statement of alleged minor victim girl and she stated her marriage was performed with Pravin Nathrao Munde. So her husband committed rape against her during her minority period. His parents very well aware about the age of alleged minor victim girl. However, on perusal of investigation papers, it appears that, present applicants are parents of accused Pravin who is husband of minor victim girl who is complainant of this case. No doubt, age of minor victim girl shown 17 years 04 months. Parents of minor victim girl are equally responsible with the present applicants as they performed marriage of their daughter during her minority period. Further it appears that, nothing is to be seized from the present applicants. They are only involved in marriage ceremony, alleged minor victim girl was minor at the time of marriage. So considering all these things and role of the present applicants, they are entitled to be released on pre-arrest bail.

Hence, I proceed to pass following order.

:: ORDER::

- 1] Application is allowed.
- 2] Applicant namely 1] Nathrao Prabhakar Munde age 52 years and 2] Kusum w/o Nathrao Munde, age 48 years be released on pre-arrest bail in the event of their arrest who are involved in Crime No. 195/2022, registered with Ambajogai Rural Police Station for the offence punishable U/Sec. 376(2), (N),452,323,506 r.w. S. 34 of IPC and under section 4,6 and 17 of the Protection of Children From Sexual Offences Act, on furnishing P.B. of Rs.25,000/-(Rs. Twenty Five Thousand only) each with one or two solvent surety of like amount.
- 3] Applicants/accused shall remain present before I.O. for further investigation if any on each Monday in between 10.00 a. m. to 1.00 p.m. and co-operate to the I.O.,till filing of charge sheet.
- 4] The applicant/accused shall not tamper with the prosecution evidence in any manner.
- 5] Inform to the concern Police Station accordingly.

Date: 11.10.2022.

(V. K. Mande.)
Special Judge,Ambajogai.

Certificate:-

I affirm that, the contents of this P.D.F file are word to word as per original Judgment / order.

Dictated on : 11-10-2022

Transcribed on : 11-10-2022

Checked and signed on : 11-10-2022

Sd/-

(V.L.Bhalekar)

Stenographer Gr-1.