

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
WASHIM, TQ.DIST.WASHIM.

CRIMINAL BAIL APPLICATION NO.483/2022
(CNR No.MHWS01-001621-2022)

Vishnu Rambhau Kavhar Vrs. State of Mah. Thr. PSO PS Ansing.

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ORDER BELOW EXH.1.

(Passed on 19.10.2022)

1. This is an application filed by applicant Vishnu Rambhau Kavhar under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in respect of Crime No.194/2022, for the offence punishable under Section 354, 354-D, 506 of the Indian Penal Code and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station, Ansing.

2. The brief facts of prosecution case may be summarized as under -

Complainant/victim lodged report alleging that on 24.07.2022 at about 04:00 pm, applicant came to the house of complainant when she was alone at home and tried to outrage her modesty. He also threatened to kill her. On next day, when victim went to school, applicant came there and told her that to come along with him. Applicant when refused to go with him, he threatened to kill her. Applicant being the husband of her father's sister, he did not lodge report against him. Thereafter, on 14.08.2022, he lodged report at police station, Ansing.

3. According to learned advocate for the applicant/accused that applicant is peace loving person and he has been falsely implicated in this crime. Delay in lodging the FIR is not explained. In fact, applicant got married with complainant aunt without consent of victim's father, and therefore, in order to give divorce, he tortured the present applicant. It is further submitted that applicant is the Karta of his family. He is ready to abide all terms and conditions imposed by the Court while granting him bail. Hence, prayed for allow the application.

4. Learned Additional Public Prosecution has filed say at Exh.5 and strongly opposed the application on the ground that applicant and victim are residing at same village. If applicant is granted bail, he may pressurize prosecution witnesses and there may be also chance threat to the life of victim and witnesses. Mother of complainant lodged report on 02.10.2022 alleging that wife of applicant/accused has abused and threatened her to her life. Hence, he prayed for rejection of the application.

5. Heard, learned counsels for both the parties. I have perused the case-diary and the First Information Report. On going through the record, it reveals that Swati who is sister of father of complainant, has filed affidavit and submitted that she got married with applicant/accused without consent of her brother. Therefore, her brother lodged this false report through her daughter. No incident occurred as alleged by the complainant.

6. Considering the allegations, custodial interrogation of applicant/accused is not necessary. Interest of prosecution can be protected by asking him to remain present before the Investigating Officer as and when required. Hence, I pass following order.

ORDER

- 1] Application is allowed.
- 2] In the event of arrest of applicant/ accused Vishnu Rambhau Kavhar, resident of Dhanora Mapari, Tq.Dist. Washim, he shall be released on bail on executing P.R. bond of Rs.15,000/-[Rupees Fifteen Thousands only] with one surety in like amount in Crime No.194/2022 for the offence punishable under Sections 354, 354-D, 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act 2012, registered at Police Station, Ansing subject to following condition :
 - i) Applicant shall co operate Investigating Officer and shall remain present at the police station as and when required by Investigating Officer.
 - ii) Applicant shall not enter into the village where victim resides till filing of the charge-sheet.
 - iii) Applicant shall not tamper with prosecution witnesses.

iv) Applicant shall not commit such type of offences again.

3] Humdast allowed.

Date : 19.10.2022.

(H.M. Deshpande)
Additional Sessions Judge,
Washim.

CERTIFICATE

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

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Shri H.M.Deshpande, District Judge-1 and Additional Sessions Judge, Washim, Tq. Dist. Washim.
Date of Judgment/ Order	:- 19.10.2022
Judgment/Order signed by the Presiding Officer on	:- 19.10.2022
Judgment/Order uploaded on	:- 19.10.2022