

**ORDER BELOW EXH. 7**

1 The accused Prakash Pralhad Wankhade availed the recourse of statutory right for grant of bail u/s. 439 of The Cr.p.C to release him on bail in crime no. 39/2023 punishable u/s. 376, 377, 170 and 506 of The Indian Penal Code registered with City Kotwali police station, Akola.

2 The applicant/accused came with the case that he is falsely implicated in the present crime on the instigation of maternal aunt of the victim-prosecutrix. In fact, said maternal aunt scolded and beat the applicant/accused under some misconception of facts and misunderstandings. The accused has no concerned with the alleged offence. Moreover, the investigation of this crime is now completed. Charge sheet is produced before the court and nothing remained for custodial interrogation of the accused. Thus there is no propriety to keep him behind bars for indefinite period. It is further submitted that accused is a social worker, he has obtained the diploma of M.S.W and he is involved in helping the needy persons, more particularly the patients admitted in Government hospital. The present prosecution is only on the instigation of maternal aunt of the victim and thus accused is liable to be released on bail.

3 On the other hand, the prosecution has strongly opposed present application submitting it's say on record vide Exh.9. Moreover, the victim also appeared before the court in response to the summons and resisted this application filing her say vide Exh.8. It is joint submission that the accusation is well founded against the accused. If he is released on bail, then there is every likelihood of pressurizing the victim-family to tamper with the evidence.

Moreover, it is submitted by the Investigating Officer that accused is facing similar prosecution of outraging the modesty registered at Nagpur. He is in the habit of committing such offences. If the accused is released on bail, then there is every possibility of pressurizing the victim and thus he may not be released on bail. Moreover, he is from different district and thus he may flee away after getting free from jail. Hence he is not entitled to seek the relief of bail.

4            Heard both the sides and gone through the record and proceedings of the case. It reveals from the allegations of the FIR that accused has committed sodomy with the victim-girl who was attending her father in GMCH, Akola. Thus, apparently the nature of the offence appears to be heinous. It is the say of victim that her father was fractured due to falling into pond at village Ridhora. Thus said injured father was admitted in the hospital at GMCH, Akola on 13.2.2023. Her mother was staying with her father. ON 17.2.2023 victim-daughter came to GMCH, Akola to see her hospitalized father. She stayed there with the parents throughout the night and on next morning on 18.2.2023 at about 10.30 a.m. accused came there and introduced himself posing him as a doctor. He has shown concern with the patient asking the victim and her mother to take care of injured father and prevent him from consuming liquor. He gain faith by showing that concerned and went away. After some time, he again came back and asked the victim not to purchase the medicine from outside, he will manage it from the hospital itself. On that pretext the accused took her with him and brought her at the staircase upper side of the accident ward. In that remote side accused tied the hands and gagged the mouth of victim with her odhani(scarf). The accused pulled down her jeans pant, made her bow down and inserted his

Penis into her anus and rubbed it forcefully. The accused discharged white sticky substance on her anal area. He wiped it using his handkerchief and thrown it away. Then he asked the victim not to disclose anything to anybody, otherwise he will give death injection to her hospitalized father. The victim was scared, she returned back to her mother, but could not dare to disclose it, as the accused followed her upto her mother. She went back to village Ridhora and after the gap of one day i.e. on 20.2.2023 she gathered courage and narrated the incident to her mother making phone call. Her maternal aunt was also present there, then the victim was called to the hospital, accused was also present there, then the victim was called to the hospital, accused was also present there. The maternal aunt scolded him and beat him with slipper. Other present persons also beat the accused and then matter came to be reported with City Kotwali police station, Akola.

5 On these allegations offence came to be registered. No doubt, accused is arrested soon after the report on 21.2.2023 and since then he is behind bar. It reveals from the investigation papers that the Investigating Officer has collected sufficient prima facie evidence to connect the accused with the crime. More particularly, the spot panchnama came to be drawn at the upper staircase of accident ward of GMCH, Akola. Some semen stains mixed with the dust and cement of the staircase came to be seized. Moreover, the handkerchief by which accused wiped the semen discharged by him on the anal portion of the victim also came to be seized and sent it to C.A. Amravati. It is pertinent to note that C.A. report is yet to be received, but the corresponding statements given by the concerned witnesses coupled with seized articles clearly shows that accused has attributed alleged act with the victim aging around 16 years old. The

charge sheet is just produced before the court. If the accused is released on bail at this early juncture of the trial, the apprehension shown by prosecution cannot be ruled out. There are well founded chances that he would tamper with the prosecution witnesses including victim and her family members. The nature of the offence is heinous one, accused took disadvantage of the victim minor-girl came to see her hospitalized father, posing himself as a doctor. The accused appears to have tarnished the pious profession of doctors also. Therefore considering his involvement in the present crime and his habit to commit such offences as shown by police in it's say, it appeals to my mind that he is not liable to be enlarged on bail. It reveals from the record that similar crime no.118/2018 is registered against this accused with Ajni police station, Nagpur. Considering all these aspects and prima facie strong case against the accused, I am not inclined to release him on bail at this early juncture. It would be premature hasty release of accused, if his application is considered as prayed for. In the result, I proceed to pass following order.

#### **Order**

- 1 The application for grant of bail preferred by accused Prakash Pralhad Wankhade in crime no.39/2023 registered with City Kotwali police station, Akola is hereby rejected.
- 2 Inform concerned Police Station and the Jail Authority, accordingly.

Date : 31.07.2023

Sd/-  
(S.P. Gogarkar)  
Extra Jt. District Judge and  
Addl. Sessions Judge, Akola.

#### **AFFIRMATION**

I affirm that the contents of this P. D. F. are in verbatim as per original order.

1	Name of the Steno	:	A.H. Barve
2	Court Name	:	Extra Jt. District Judge and Addl. Sessions Judge, Akola
3	Date	:	31.07.2023
4	Signed by PO. on	:	31.07.2023
5	Uploaded on	:	31.07.2023