

In the Court of Additional Sessions Judge, Chandrapur**Order below Exh.09****(Passed on 07th November, 2024)**

01. This is a regular bail application under Section 439 of Cr.P.C.

02. The present applicant/accused Kartik Jaideo Nakade is arrested on 30.06.2024 in crime No. 210/2024 registered U/sections 307, 201 of the Indian Penal Code and read with sections 3(2)(v) of the Scheduled Casts & Scheduled Tribes (Prevention of Atrocities) Act registered at Nagbhid police station, District- Chandrapur.

03. The complainant victim woman of 25 years of age lodged a complaint at District General Hospital, Chandrapur that she used to take dance classes at Wadsa, District Gadchiroli in the month of November 2023. She used to reside on the room of her friend. She got acquainted with the present accused Kartik Nakade in a dance class, they became friends, they started to meet and later on fell in love to each other. Both of them decided to marry, and accordingly, they married on 12.12.2023 in a temple at MIDC Padoli. They started to reside together as a husband and wife in a rented room. The accused left to Bangalore after two days stating that he had got a job there. When the complainant went to her mother's house, the accused returned back to her house, after two to three months, stayed there for few days and

again left for his work at Andhra Pradesh.

04. Further she mentioned that the accused came to her mother's house on 20.06.2023 on the occasion of her birthday. He took her to celebrate her birthday at a ground at Rayyatwari, Chandrapur and celebrated her birthday. Both of them were roaming on his bike through out the night. He left her at her mother's house on the next day. He stated to her that both of them had go to Nagpur and took her as pillion rider on his bike. He took her through Mul road and waited near a garage in the night time. When the complainant woke up on the next day the accused took her in jungle near Sindewahi. The accused and the complainant waited in the jungle for some time and suddenly the accused tried to press her neck. The complainant saw that five boys had covered their face and one of them assaulted with a stick on her head. The accused assaulted with a stone on her head and caused grievous injury to her. She mentioned that the accused committed forcibly relations with her. The accused and those boys assaulted her with fist and kick blows. The complainant fell unconscious after the incident. However, she somehow came on the road, took the help of somebody and came at Nagbhid Rural Hospital. The Doctor gave primary treatment to her and referred her to Government Hospital, Chandrapur. She lodged this complainant in the hospital. The police arrested the present accused on 30.06.2024 and since that day he is in the jail.

05. The applicant/accused states that this is a false complaint lodged against him. He states that the complainant has given different versions of her complaint every time. He states that she mentioned that there were five boys covered with their face in the jungle. She has not stated any thing about those boys and that he was alone with her when she recorded her statement u/s 164 of the Cr.P.C. He states that the complainant is not believable. He states that the complainant was insisting him to marry her. He tried to convince her that she should first divorce her husband and then he would marry her. He states that he has not assaulted the complainant. He states that the complainant has self inflicted injuries and falsely implicated him in this offence. He states that nothing has been seized or recovered from him. He states that he is in jail for last more than four months. His physical detention is no more necessary. He states that the police have completed the investigation of the offence and filed charge-sheet against him. He states that as the charge-sheet is filed, there is no question of tampering of prosecution evidence. He states that he is the only earning member in his family. He states that he will furnish surety as per the order of the court, he will not abscond, he will not tamper the prosecution evidence, he will not threaten and pressurize the complainant and other witnesses. He has prayed to release him on any terms and conditions as the court deems fit.

06. The learned APP has strongly opposed this

application. He states that the present applicant/accused has committed a serious offence against a woman of S.C. community. He has married the complainant and later on attempted to commit her murder. He has left her alone in the jungle and ran away, he may cause harm and injury to the complainant, if he is released on bail. So, he has prayed to reject the bail application.

07. The complainant appeared in the court and has strongly opposed the bail application by filing her say below Exh.10. She has expressed her fear that the accused may cause injury to her or her girl child if he released on bail. She has opposed this bail application by stating that the accused has tried to commit her murder, he torn her clothes, caused bleeding injuries to her, pressed her neck etc. She has prayed to reject this bail application.

08. Heard both sides. Perused the papers filed along with the charge-sheet. This is a serious offence against a woman of Scheduled Caste Community. The accused took the complainant in a jungle and pressed her neck, assaulted with a stone on her head and tried to kill her. The accused left the complainant alone in jungle and ran away. There is medical certificate of the complainant to show that she has received injury on her head and blunt trauma to her neck. The accused may cause serious injury to the complainant, if he is released on bail. Completion of investigation and filing of charge-sheet against the accused is not a ground to release

him on regular bail. This is a offence against a woman. There is possibility of tampering of prosecution evidence. This is not a fit case to release the applicant/accused on regular bail. So, I reject the bail application by passing the following order ;

ORDER

The bail application of the applicant/accused Kartik Jaideo Nakade is hereby rejected.

Date :- 07.11.2024.

(**P. G. Bhosale**)
Addl. Sessions Judge,
Chandrapur.