

**ORDER BELOW EXH.4**

1] This is second bail application filed by accused no.2 u/s. 439 of Code of Criminal Procedure.

2] The investigating officer has filed say vide Exh.6 and resisted this application. The victim has filed say vide Exh.7 and strongly resisted this application. The Ld. Spl.P.P. has filed say and resisted this application.

3] Heard Ld. Advocate for accused no.2 and Spl.P.P. for the State. Perused application, say filed by the prosecution and the Charge-sheet.

4] The victim aged 15 years and 10 months old has lodged a report against accused no.1 and 2. The FIR indicates that the victim used to go to class Seva Sahyog in their vicinity and class time was 7.00 p.m. to 8.00 p.m. Adjacent to class, accused no.2 is staying and he always teasing the victim. Due to fear, the victim did not tell anything to anyone. Repeatedly, accused no.2 was harassing the victim and therefore, on 12.10.2023, after class, she decided to tell about the same to accused no.1, who is elder brother of accused no.2. Accused no.1 was in his house, to whom the victim told about accused no.2. Then he laughed and called the victim inside the room and he committed her rape and gave her threat to kill. Due to fear she did not tell the incident to anyone. Again on 18.11.2023, when she was returning from the class at 8.00 p.m., accused no.1 forcibly took her inside his room and committed her rape and told her to come

whenever he would call her. The victim was in tension and feared. When her cousin came to her home, she narrated the incidents to her and she told the incidents to her aunt and grandparents and then she has lodged the report against both accused.

5] Prima facie it reveals that role attributed to accused no.2 is that he was harassing the victim and his brother accused no.1 repeatedly committed rape of the victim. It seems that now the investigation has been completed and in view of allegations against accused no.2 and punishment provided for the offence, further detention of accused no.2 behind the bars is not necessary. Therefore, application is to be allowed by imposing stringent conditions upon him. With this, I proceed to pass the following order:

#### **ORDER**

- 1] The application is allowed.
- 2] Accused no.2 **Nakul Parmeshwsar Kedar** shall be released on bail upon furnishing P.R. bond in the sum of Rs.50,000/- with surety in the like amount.
- 3] Accused no.2 shall attend concerned police station on every 1<sup>st</sup> Monday of the month between 10.00 am to 11.00 am till conclusion of the trial.
- 4] Accused no.2 shall not tamper with the prosecution evidence in any manner. He shall not pressurize the victim, informant and family members and witnesses and shall not indulge in any offence.
- 5] Accused no.2 shall not contact with the victim and family members, in any manner.
- 6] Accused no.2 shall not confront to the victim and not to enter in the area where the victim is residing.
- 7] The applicant shall submit his address proof and phone details as well as phone details of two close relatives to Investigating Officer.

- 8] The applicant shall not leave India without prior permission of the Investigating Officer.
- 9] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
- 10] Bail application stands disposed of accordingly.

Pune.  
Date – 06.03.2024.

(S.P. Ponkshe)  
Addl. Sessions Judge, Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno	- Sau.S.V.Thakar (Steno G-1)
Court Name	- Smt. S. P. Ponkshe, Addl. Sessions Judge, Pune.
Date of Order	- 06.03.2024
Order dictated on	- 06.03.2024
Order transcribed on	- 06.03.2024
Order signed by P.O.	- 06.03.2024
Uploaded on	- 07.03.2024