

Order below Exh.08 in Sessions Case No.175/2022

The State
(Taloja Police Station)... **Complainant.**

Vs.

Rahul Gautam Narwade **Accused.**

01. This is an application, filed u/s 439 of Code of Criminal Procedure, for grant of bail filed by applicant/accused **Rahul Gautam Narwade** in C.R.No.26/2022 of Taloja Police Station.

02. In short, the case of prosecution is as under-

Complainant Kritika Shailendra Jagtap lodged report with the police alleging that in June 2020, she was taking education in Ramsheth Thakur College, Kharghar. Her friend Akshay Mane has celebrated his birth day on 10/06/2020 which the informant has attended and in that birth day party, Akshay Mane introduced her with his cousin Rahul Gautam Narwade, the accused. Thereafter, accused Rahul for one and other reason used

to meet the victim near her college. Then after 3 months, he has proposed the victim telling her that he likes her very much. She has accepted his proposal. After that the accused Rahul called her at his house at sector-12, Kharghar. When she went to his house, nobody was there and the accused came near the victim, took her in confidence telling her that he will perform marriage with her and had sexual intercourse with her. Thereafter, again and again, when there was nobody in his house, he used to take her in his house and had sexual intercourse. In November 2021, again he had sexual intercourse with her. In December 2021, when her monthly period was stopped, she brought pregnancy kit from the medical store and done her test at the house, which was positive. She then informed the accused that she was pregnant. Accused again called her at his house. On 22/01/2022, she met the accused. Accused took her in the medical store and purchased packet of Gestapro tablets, she asked him for what purpose those tablets are. Accused replied that those are abortion pills. He told her that he does not want child now. Therefore, it is better to have abortion. He also threatened that he will kill her brother and he will defame her. Therefore, she became afraid and took the packet and went to her house in auto rickshaw. Again accused Rahul called her and told her that if she will not take tablets, he

will commit suicide and involve her family members. He sent her message on whatsapp as to whether she has taken tablets. She refused that she does not want to consume tablets. He again threatened her to take those tablets by sending her a message. Therefore, she has to consume that tablet for two days. On 23/01/2022, bleeding started to her. She told the accused to take her to doctor. But he replied that, “मी तुला गोळी दिली आहे, आता माझा काही संबंध नाही, तुला काय करायचे ते कर”. On 26/01/2022, she was getting trouble and also giddiness. But the accused did not take any interest in her. Her parents took her to Dr.D.Y.Patil hospital and admitted her. Thereafter, she narrated the incident to her parents and report came to be lodged and accused was arrested.

03. By filing bail application at Exh.08, it is the contention of the accused that he is innocent and has not committed any crime and has been involved in a false case. He has no love affair relationship with the victim since he has not committed any offence, accused has already ended his relationship and victim did affair with another person. She had relationship with many persons in the past before she dated the accused in teen age. It is the complainant who time and again threatened the accused to marry her despite their affectionate

ages. He submitted that he is ready to obey all the conditions of the Court. Hence, prays to release him on bail.

04. The prosecution by filing say below Exh.10, strongly opposed bail application contending that the accused is in habit of causing threatening and there is possibility that he may hamper and tamper the prosecution witnesses and also will threaten the victim and her family members, if he is released on bail. Hence, prays to reject his bail application.

05. I have heard both the sides and perused chargesheet, statements of witnesses and material on record. The victim is aged 20 years old and accused is 22 years old boy. Obviously, both of them are of teen ages and there is possibility that with this age, such relationship occurs, though accused who was not of matured age, proposed her and she also accepted his proposal. She was of understanding mind and major age girl. Whenever accused was calling, she was going and had sexual intercourse with her. It is only when she became pregnant and accused given her pills for aborting child, she became aggrieved and lodged FIR. Keeping him behind the bars would not serve any purpose since the investigation is completed and chargesheet has been filed. The victim is major age girl. Anyhow, without going much

into merits of the matter, accused deserves for grant of bail with certain stringent conditions. With this, I proceed to pass the following order-

ORDER.

1. Bail Application Exh.08 is hereby allowed on the following conditions :-
 - i) Applicant/accused be released on bail on executing PR & SB of Rs.25,000/- with one or two sureties in the like amount.
 - ii) The applicant/accused shall not directly or indirectly make any attempt to threat any prosecution witness and shall not in any manner tamper with the prosecution evidence.
 - iii) The applicant/accused shall co-operate with the Court in expeditious disposal of the trial. Any attempt by the applicant/accused to delay the trial may be additional ground for cancellation of bail.
 - iv) Applicant/accused shall not leave jurisdiction of India without prior permission of the Court.

- v) Applicant/accused shall not commit any offence while he is on bail.
- vi) The applicant/accused shall not indulge into similar activities.
- vii) The applicant/accused shall not come in contact with the victim in future.
- viii) The applicant/accused shall intimate his address after his release to Senior P.I. of the concerned police station.
- ix) Applicant/accused shall not leave Maharashtra State without permission of the Court.
- x) Applicant/accused is directed to co-operate with the Investigating Officer and to attend the Police Station if called by the I.O.
- xi) Breach of any one of above conditions will be liable for cancellation of the bail.

2. Bail Application Exh.08 in Sessions Case No.175/2022 stands disposed off accordingly.

Panvel

Date- 16/05/2023

(Shaida Shaikh)

Extra Jt.District & Addl.Sessions Judge
Panvel-Raigad.