

**:- FINAL ORDER IN CRI.(BAIL) A. NO. 439/2022. :-**  
(Delivered on this 8<sup>th</sup> day of November 2022)

1. Accused/applicant invoked jurisdiction of this court vide Section 439 of the Code of Criminal Procedure, 1973, seeking bail in connection with C.R. No.277/2022 registered with Wadki Police Station, District Yavatmal, for the offence punishable U/secs. 363, 366(a), 343, 376 (2) (j) (n), 506 r/w 34 of the Indian Penal Code read with Section 4, 5(L) of The Protection of Children from Sexual Offences Act ***(Due to Mandate of the said Act, Identity of the Victim/informant is concealed.)***

**Brief facts are as follows :-**

2. The informant hails from Wadki, Tq. Ralegaon. Victim is granddaughter of the informant. She is 17 years old. The victim is a college going girl. On 14/09/2021 the victim went to her college and did not return. Thus, the informant went to police station and lodged missing report. Amid investigation, on 18.09.2022 the victim herself appeared at the auto point Wadki at about 05:00 PM therefore her relatives went to fetch her. During inquiry with her by her mother and the informant it was found that she was very scarred and tremendous under pressure, did not able to speak any word then her mother and informant bring to her at police station Wadki on 19.09.2022, and with the help of lady constable inquired with her whereupon she narrated that present applicant/accused and others threatened to kill her if she disclose about the incident, thereafter her medical examination had been conducted. On 21.09.2022 in midnight her mother took her into confidence then she narrated that on 14.09.2022 she is going to college that time accused/applicant approached her and took her to the house of co-accused Kajal. They did not allow her to go to the college. Subsequently, she was taken to one unknown person wherein the

co-accused established forcible sexual intercourse with her. It happened twice. On next date the victim was completely scared. Subsequently, the victim was dropped at her village. Thus, all accused in furtherance of their common intention kidnapped the victim so also she was raped repeatedly by wrongfully confining her in the home. On the count of her statement, the accused was arrested, interrogated and after initial police custody he was remanded to MCR so on till date.

3. *Per* accused/applicant, she is innocent and falsely implicated in the crime. She is nowhere concerned with the alleged felony. There is no iota of evidence revealing she is involved in the alleged crime of kidnapping and rape. As such physical custody of the accused is no more required for any custodial interrogation. She is ready to co-operate in the investigation. At the end, accused implored for her release on suitable bail.

4. *Countering stance*, the prosecution raised potent objections for freeing of accused through their detail reply below Exh.04. According to them, offence leveled against the accused are serious in nature. Present accused has played major role in the crime. There is danger to the life of the victim. On the count of recurrence as well as gravity of crime, prosecution prayed for rejection of the application in *limine*.

5. Scanned application and say as well as entire material placed on record. Primarily the offence pertaining to kidnapping and rape are alleged against all accused. Specific role is attributed towards present applicant. The allegations are serious in nature. The prosecution has urged that if the accused are released on bail then there are likely chances that she would be sent into to unlawful human trafficking business. If the crime has such shades it is serious. Having seen case papers it reveals that the victim unfolded her agony and the chain of the incident before the police. The investigation is in progress. It is to be noted that the victim is minor girl however accused is major person. Prima-facie the involvement of the

accused/applicant in instant crime is visible. Precisely, *Prima-facie* involvement of accused applicant in alleged crime is visible from record. Major acts are attributed against this accused under common intention. Instant matter is pertaining to alleged kidnapping and rape and it is specific case of the prosecution that all accused in consonance with each other knowingly endangered the life of the Victim. At present investigation is in progress. If accused is released upon bail then there could be chances of hurdle in the investigation. At this stage, there is no specific reason to confer bail upon the accused applicant. The chain of evidence is unfolded before the Court. Statement of the victim informant and other evidence is supporting the prosecution. More so, at present there is likelihood that if applicant/accused is released on bail, by her status, it may cause impediment in the trial. Thus, I believe even though investigation is winded up, at the moment the applicant /accused is not entitled for bail.

6. On account of foregoing peculiarities and factual scenario, Considering the grave nature of offence and investigation is in progress, it would not be proper to release the applicant/accused on bail, **at the moment**. Hence, I pass the following order :-

### **ORDER**

Application stands rejected.

Date : 08.11.2022.

**(Amit Anant Laulkar)**  
Additional Sessions Judge,  
Yavatmal.