

**Cri. Bail Appln. No.515/2022
{MHAM040017912022}**

**Pradip Babu Kasdekar
-Vs-
State of Maharashtra Through
(P.S.O.Dharni)**

**ORDER BELOW EXHIBIT – 1
(Passed on : 08/11/2022)**

The applicant has filed his bail application under section 439 of the Code of Criminal Procedure for releasing him on bail.

2. Brief facts of the application are as under :

On 13.08.2022 informant lodged report allegedly that on 12.08.2022 at about 03.00 p.m. as she was fever, she had sent her daughter in the village for bringing flour at flour-mill. However, she was not returned to home, therefore, her husband went to search her daughter, however she did not find. At about 10.00 a.m. her daughter came at home under frightened condition and she was crying. Her daughter disclosed to her that on the assurance of choklet, accused brought her daughter in the forest and forcibly committed sexual intercourse with her daughter. On the basis of her report Dharni Police Station registered Crime No.426/2022 for the offence punishable under sections 363(A), 376, 377, of the I.P.C. and Sections 4 and 6 of the POCSO Act, 2012 against the applicant/accused. Thereafter applicant was arrested in connection with above said crime on 13.08.2022 and since then he is in jail. Therefore, he has filed his bail application.

3. Learned advocate Mr. N.P.Dhope for the applicant submitted that applicant is falsely implicated in this crime on the ground of political rivalry. He has also submitted that statement of two witnesses are not supported to the prosecution case. He has also submitted that total investigation is completed and charge sheet is filed. Twenty hours delay caused for lodging the report. He has placed reliance on **Bhimrao Manikrao Dhole ..Vs.. The State of Maharashtra , 2021 All MR (Cri) 257**. Hence, he prayed to release him on bail.

4. Per contra, learned APP Mr.D.A. Nawale for the State submitted that offence committed by the applicant is heinous in nature against the minor girl of 13 years age. He has also submitted that accused forcibly committed sexual intercourse with minor girl against her will. He has also submitted that medical report shows that hymen torn. Medical evidence is supported to the prosecution case. Ample evidence available on record against the applicant. No any record produced by the accused to show political rivalry in between applicant and family of the victim. If applicant released on bail there is possibility of tampering the prosecution witnesses and danger to the life of victim. Hence, he prayed to reject the application.

5. I have gone through the contents of application, say filed by the prosecution, submissions of both sides and investigation papers. Prima facie, it appears that victim stated against the applicant that he has forcibly committed sexual intercourse with her against her will. Medical evidence supported to the prosecution case. Age of the victim is only 13 years. Offence is serious in nature. If applicant released on bail there is possibility of the tampering of the prosecution witnesses and danger to the life of victim cannot be ruled out. State is ready to expedite the trial on day to day basis. The facts of cited case law and facts of present case in my hand are on

different footing. Considering all these facts and circumstances of the case I am of the view that, prima facie case is not made out for grant of bail to applicant . Hence, I proceed to pass the following order.

.O R D E R.

The application is hereby rejected.

Dt/- 08.11.2022.

(M.H. Pathan)
Additional Sessions Judge-1,
Achalpur.