

ORDER BELOW EXH. 3 IN SPL.CASE NO. 912/2022
State of Maharashtra Vs. Omkar Mahadu Dhengale

MHPU010228102022



1] This is an application filed by the applicant/accused Omkar Mahadu Dhengale under Section 439 of the Code of Criminal Procedure for regular bail in Crime No. 250/2022 registered with Khadki Police Station for the offences punishable under Sections 376 of the Indian Penal Code, section 6,8 and 12 of the POCSO Act and section 6 and 7 of the Information and Techonogy Act.

2] The prosecution story briefly stated as under:-

The complainant- Smt. Jinsy Amit Shelar lodged report against applicant/ accused in concerned police station, alleging that, she is residing along with her family members on the given address. Victim girl is her daughter. In July 2022, her victim daughter aged about 15 years was talking on mobile phone on dt. 20/09/2022 while her husband asked her with whom you are talking ? But, she was frightened and not spoke any word. Thereafter, her husband checked the mobile phone of victim while, its Instagram-APP was going on. He saw that the half-naked photographs of the victim girl and one boy. Then, complainant made inquiry with the victim about said photographs, then she started stating that there was introduction between them through one classmate Ashish Bhise, then, they have exchanged the phone number to each other. On 16/3/2022, the applicant/accused had gone in the school of victim girl and took her to his house when nobody was

present in his house and he has committed forcible sexual intercourse with her by removing their cloth and also snapped the naked photographs on his mobile. Accordingly, he has taken the victim girl at his house for five to six time and committed sexual intercourse with her without her consent. Whenever, victim girl denied to go along with him, while he threatening her to disclose their naked photographs to her parents and friends. Hence, this report.

3] The Ld. Counsel for the defence submitted that, the applicant/accused has not committed any offence but he has been falsely implicated in the above crime. It is further submitted that there was love affair between them and so also section 376 of Indian Penal Code is not attracted and there is no any prima facie evidence against the applicant. It is further submitted that he has not threatened her to viral their naked photographs and he has not sexually harassed the victim girl. The applicant/accused is a student and residing in vicinity of the victim girl. There is no criminal antecedents and he is not an habitual. The applicant is ready to follow terms and conditions of the court at the event of his bail order and prayed to allow the application.

4] The Ld. APP strongly opposed the application and submitted that applicant/ accused is residing in the vicinity of the victim girl and also victim girl is taking education in a college situated near the house of accused. If the accused released on bail, there is likely to harass to the victim girl by the applicant/accused, and there may be create a possibility of dangerous to the victim girl in a society. As well as there is possibility of tampering the prosecution witnesses and prayed to reject the application.

5] Having regard to the facts and circumstances and after carefully gone through the record, as well as arguments of both side, the offence under section 376, 506 of the Indian Penal Code and section 6,8 and 12 of POCSO Act has been registered against the applicant in police stations, Khadki. The prosecution story is that, victim girl is a minor, her age is about 15 years, there was introduction between victim girl and accused then, applicant/accused went to the school of victim and took her at his resident and committed forcible sexual intercourse with her without her consent as well as snapped naked photographs in his mobile and on this basis, he used to call her at his house and also commit sexual intercourse without her consent. On one occasion, she was found to her father talking with applicant/accused and was under fear and when her father observed it, he found that, half naked photographs of the victim girl and applicant/accused. It is crystal clear that whenever victim girl denied to go alongwith the applicant, then, he started disclosing their naked photographs. Whenever, the father of the victim girl saw such photographs .Then entire story disclosed. So, on considering the above all facts and circumstances it is crystal clear that, the applicant/accused used to commit sexual intercourse with the victim girl by showing their naked photographs and threatening to disclose it, this fact clearly going to show that, the applicant/accused create relations with the victim girl only to fulfill his sexual lust. Even though investigation is over and charge-sheet is filed, there is more possibility of causing harassment to the victim girl by the applicant/accused and also harmful and defamation in the society and also possibility of fleing away from the trial. Hence, on considering the gravity of the alleged crime and from the above facts and circumstances,

I am not inclined to release the applicant/accused on regular bail.
Hence, I proceed to pass the following order:

-: ORDER :-

1.	Application of applicant/accused Omkar Mahadu Dhengale is rejected.
----	--

Date : 14/02/2023

(G. P. Shirsat)
Addl. Sessions Judge, Pune.

- **CERTIFICATE**

“ I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno	:- Bharati D. Gaikwad , Stenographer (Grade-I),
Court Name	:- G.P. Shirsath Ad-hoc District Judge-1 & Addl. Sessions Judge, Pune.
Date of Judgment	:- 14/02/2023
Judgment signed by presiding officer on	:- 14/02/2023
Judgment uploaded on	:- 15/02/2023