

IN THE COURT OF SESSIONS AT AKOLA.

(Presided over by Smt. S.R. Pahade, Addl. Sessions Judge)

Spl. POCSO Case No. 202/2024

**State of Maharashtra
Vrs.
Nitin Sardar and others**

Applicant:- Manik Janrao Sardar.

ORDER BELOW EX.13

[Passed on 06.05.2025]

1. Accused - Manik Janrao Sardar has filed second application for bail under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for the offence punishable under Sections-64(2)(f)(m), 65(2), 68(a), 74, 75 of Bhartiya Nyaya Sanhita, 2023 and Sections-4, 5(l), (m), 6,8,9(l)(m) and 10 of POCSO Act in Crime No.291/2024 pending the trial.
2. The applicant has filed application with contention that all the accused came to be arrested on 22.10.2024. False allegations are made against the applicant. There is delay in lodging FIR. The age of applicant is 56 years. Now the charge-sheet is filed and therefore, custody of applicant is not required. It is further contended by the applicant that prior to this, on 22.01.2025, the applicant had filed application for bail at Exh. 8. That time, the victim filed her reply and resisted application on the reason

that there is possibility of pressurizing the victim. The application was rejected. There is change in circumstances. The applicant has no criminal antecedents. The wife of applicant is old aged and suffering from illness. All the male members of his family are in Jail. The examination of victim of 10th std. is over. She is residing at the house of another relatives. At the time of medical examination, no injuries found on the person of the victim. The punishment for the alleged offence is not death sentence. The custody of the applicant is not necessary. The applicant is ready to furnish surety to the satisfaction of the Court. The applicant is also ready to abide the terms and conditions imposed by the Court. On these lines, applicant has prayed for bail.

3. Prosecution has opposed the application vide reply(Exh.15). It is submitted that the age of victim is 17 years. There is possibility of causing injury from the applicant to witnesses and victim if he released on bail. The applicant is relative of the victim. The victim is taking education in 10th std. There is possibility of tampering of evidence. On these lines, prosecution has prayed to reject the application.
4. The victim was called. She has filed her reply at Exh.14. She has stated that she has no objection to release the applicant on bail. The wife of applicant

No. 2 is suffering from illness. There is nobody to take her in hospital.

5. Heard Ld. Advocate for the applicant/accused and Ld. APP for the State. I have also gone through the reply filed by the prosecution and the charge-sheet as well as documents filed by the applicant today.
6. The applicant/accused is charge-sheeted by Mana Police Station for the offences punishable under Sections-64(2)(f)(m), 65(2), 68(a), 74, 75 of Bhartiya Nyaya Sanhita, 2023 and Sections-4, 5(l), (m), 6,8,9(l)(m) and 10 of POCSO Act. As per prosecution case, the victim was staying at the house of accused as her parents were staying separately. Her mother has solemnized second marriage. When the victim was in 7th std. accused-Nitin touched her breast and private part. When she was in 8th std., accused – Nitin committed physical relations with her. Present applicant and other accused had also committed sexual assault against her. The accused is having habit of consumption of alcohol. The incident was narrated by the victim when some police came in School for inquiry with the students.
7. As per charge-sheet, it reveals that the offence is serious. There are specific allegations against the applicant. The applicant/accused is relative of victim. The recitals further prima-facie shows that the victim

has disclosed incidents of sexual assault at the hands of present applicant. She has made specific allegations against the applicant in her statement recorded by police

8. The charge-sheet prima-facie shows sufficient material against the applicant to show that he has committed sexual assault upon the victim- a child of 17 years old for more than once. The offence is serious.
9. At the time of hearing of first application of applicant for bail, the victim had strongly opposed the application on the reason that the applicant would repeat the offence and would pressurize her. Now at the time of hearing this application, she is giving no objection for releasing the applicant on bail. Itself shows that there might be threatening or pressurizing victim at the hands of the applicant therefore, she has given no objection.
10. There is no change in the circumstances. It is settled that, accused can file successive bail application but the accused has to make out circumstantial change which would entitle him for bail. It must have direct impact on the previous order. The applicant has failed to make out any change in circumstances. Considering the gravity of offence and the punishment, I come to conclusion that this is not a fit case to exercise discretion in favour of the

applicant. Therefore, I proceed to pass following order:-

ORDER

Application is hereby rejected.

Date :06.05.2025

[Smt. S.R. Pahade]
Additional Sessions Judge,
Akola.

Certificate

I hereby certify that the contents of this PDF file
are same word for word as per original order:

Name of Steno : Shamim Sayed
Court's Name : District Judge-2 & A.S.J.,
Akola
Date : 06.05.2025
Signed by PO : 06.05.2025
Uploaded on : 07.05.2025