

**Order below Ex.22 in Criminal Spl. Case (POCSA) No.12/2016**

Dyaneshwar Bhimrao Pawar ... Applicant

Vs

State of Maharashtra  
(through Police Station Virgaon) ... Complainant.

1 This is an application moved by the applicant/accused under section 439 of the Code of Criminal Procedure for enlarging him on bail in C.R. No. I-12/2016 of Virgaon Police Station for the offence punishable under sections 376(1) of I.P.C. and 3, 4, 5(J)(2)(L)(Q), 6 & 8 of the Protection of Child from Sexual Offences Act

2 The applicant/accused has contended that, he is innocent and has not committed any offence. The incident narrated in the FIR is false one. The statement of victim girl and other witnesses is contradictory with each other. The charge-sheet is also filed. Nothing is recovered from him. He is ready to abide by any terms and conditions. He lastly prayed for allowing his application.

3 The Ld. APP has resisted the application by filing his Say on the application itself wherein it is contended that the accused has committed serious offence against a minor girl and there is strong evidence against him. The accused, if, enlarged on bail will threaten the victim as well as other witnesses. He lastly prayed for rejecting the application.

4 Heard Ld. Advocate Shri P.S. Raut for

applicant/accused and Ld. APP Shri B.M. Maher for the State.

5 At the out-set, I would like to state that the offence of rape on a minor girl is more serious one. No doubt the charge-sheet is filed but that cannot be the ground entitling the accused to bail. After perusing the FIR which is lodged by the victim girl, it is seen that in the month of June 2015, the victim girl was alone in the house. At that time the present accused entered into her house and forcibly took her in the sugar-cane field and had forcible sexual intercourse with her. It is pertinent to note that the FIR nowhere makes out a case of love affair. The accused had forcible intercourse with the victim girl by saying that he likes her and want to marry with her. The victim girl at the relevant time was 17 years old. Thus the FIR of the victim girl clearly makes out that the accused had forcible intercourse with her. The medical examination report of the victim girl also makes out the similar fact. Because of the said act of accused the victim girl became pregnant. The charge is already framed. Thus considering the seriousness of the offence, I am of the considered opinion that this is not a fit case to grant the bail to the accused. Thus I conclude that the accused is not entitled to bail. Accordingly, I pass following order :

ORDER

The application stands rejected.

Sd/-

Vaijapur.  
29/06/2017.

(S.B. Gaidhani)  
Additional Sessions Judge,  
Vaijapur.

CERTIFICATE

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

Name of the Stenographer	: Mohd. Shafee Mohd. Amiroddin
Court	: District Judge & Additional Sessions Judge, Vaijapur.
Date	:29-06-2017
Judgment signed by the presiding officer on	: 29-06-2017
Judgment uploaded on	: 30-06-2016