

MHBI010038312024



Spl (POCSO) Case No. 199/2024
Abhimanyu Udhav Jadhav
Vs.
State of Maharashtra & another

ORDER BELOW EXH.6

The accused is being prosecuted by Police Station Peth Beed, Tq. Dist, Beed, in Crime No. 273/2024 for the offence punishable under section 64 (2)(i), 65(2), 74, 75, 79, 333, 115(2), 351(2) of the Bhartiya Nyaya Sanhita, 2023 and under sections 4, 6, 8 of the Protection of Children from Sexual Offences Ac, 2012.

2. The accused was arrested on 20/09/2024. He was granted P.C.R. till 24/09/2024 and since then, he is in jail.

3. Earlier during investigation, applicant had filed Criminal Bail Application No. 1046/2024 for grant of bail before the Special Court at Beed. His bail application was rejected on 22/10/2024. The impugned bail application is filed, as investigation is completed and charge-sheet has been filed. Thus, there are change in circumstances and accordingly, this bail application is being considered on merit.

4. Ld. counsel Shri. S.S. Swant for applicant/accused submitted that, applicant/accused and informant are neighbours. There was dispute between them and due to this, he has been falsely implicated in this case. Applicant is married and he is having children.

(2)

Ld. counsel pointed out towards discrepancies in the statement of informant and her mother as to who called the Police or whether they came on their own, after noticing the dispute.

5. Ld. D.G.P. Shri. A.D. Rakh for State submitted that, as per spot panchanama, there were marks on wooden door regarding throwing of stone. He also attracted the attention of the Court towards injuries caused to the victim on her private part.

6. Ld. counsel Shri. S. R. Kale for informant attracted the attention of the Court towards the criminal antecedent of the applicant/accused and submitted that, if bail is granted to the accused, he may threaten witnesses and tamper with the prosecution evidence and prayed to reject the bail application.

7. Heard Ld. counsel Shri. S. S. Sawant for applicant/accused, Ld. D.G.P. Shri. A.D. Rakh for State and Ld. counsel Shri. S. R. Kale for victim. Perused material on record.

8. As per the complaint, incident happened on 20/09/2024 at around 3:00 P.M., informant returned home from her work at 3:00 P.M. and noticed tiles broken in front of a door and the door of the house was partly opened. She heard noise of victim, who was 11 years old at the time incident. When she went inside, she saw accused in his underwear and he had embarrassed the victim. Victim was nude, when she asked the accused to leave the victim. Accused abused her. She shouted, people gathered on the spot. Accused went to his house, which was adjoining. When informant asked victim, she told that, accused removed her clothes and put his hand on private part and kissed her. On seeing crowd, Police personnel who were going from there, came on the spot. Thereafter, informant filed complaint with

Police.

9. On the next day, spot panchanama was done. There were marks of stone on the door. Statements of both the Police personnel were recorded. They both saw accused in underwear, in front of the house of the informant. As per their statements, he had used abusive language against the informant.

10. After the incident, on the same day, in the evening victim was examined at Civil Hospital, Beed. Victim stated history in the Hospital to Doctor that, accused has put his hand on a private part. On external examination, Doctor noticed Perihymenal redness present on vaginal, which prima-facie corroborates that the contention of victim. As per opinion of Doctor, sexual assault cannot be ruled out. The birth certificate of the victim is filed on record. According to it, the birth date of victim is on 04/02/2013, thus, victim was 11 years old age at the time of incident.

11. Earlier Crime No. 619/2016 was registered against the accused under Section 354, 504 and 507 of the Indian Penal Code at Shivajinagar Police Station, Beed. Similarly, as accused had threatened the informant in aforesaid crime, a Non-cognizable case No. 75/2023 was registered under Section 504 and 506 of the Indian Penal Code. As the accused has harassed the same victim again Crime No. 30/2023 was registered against the accused under Section 354 (A) of the Indian Penal Code.

12. The spot panchanama, Medical Examination Report of victim, statements of witnesses pointed out towards the role of accused. There is strong prima-facie evidence against the accused.

(4)

Admittedly, informant and accused are neighbours. Considering the criminal antecedent of accused and that he had threatened given threats to earlier victim in Crime No. 31/2016 and he had subsequently committed crime against the same victim, due to this, Court is not inclined to grant bail to the accused. Hence, considering the reasons aforesaid, I according pass following order :-

ORDER

Application at Exh. 6 stands rejected.

Beed,
Date : 08/01/2025.

(Anand L. Yawalkar)
SPL. & SESSIONS JUDGE,
BEED.

(5) Spl. (POCSO) Case No. 199/2024
ORDER BELOW EXH. 6

Dictated on : 08/01/2025
Transcribed on: 08/01/2025
Checked & signed on :09/01/2025

I affirm that the contents of this PDF file are word to word
as per original Judgment / order.

Name of Steno : V. V. Gulwelkar
Name of Court : Sessions Court,Beed,

Sd/-
(V. V. Gulwelkar)
Stenographer Grade-II