



**ORDER BELOW EXH.04 BAIL APPLICATION FILED UNDER
SECTION 483 OF THE B.N.S.S.**

(Passed on 19.04.2025)

1. Accused **Amar Shyam Gujar** has filed this application for regular bail under Section 483 of B.N.S.S. As charge sheet i.e. **Special Case No.32 of 2025** is filed against him which is based on **Crime No.579/2024** registered in Khamgaon City Police Station under Sections 64(2)(m),(i), 65(1), 87, 137(2) of the BNS & Section 4, 6 of POCSO Act.
2. In this case charge sheet is filed on 04.03.2025. This is first ever bail application of the accused. State and informant filed reply at **Exh.06 & Exh.08**. I have heard Advocate Mr.S.G.Bihade for the accused and APP Mr.S.B.Ingle for the State.
3. Advocate for the accused submits that, Ossification test report of victim shows her age between 14-17 years. Complaint is filed by mother of the victim. However, statement of victim before Police & Magistrate shows that her parents were forcibly trying to do her marriage with someone and she was desirous to get married with the accused. He further submits that, custodial interrogation of the accused is done. Investigation is completed. Hence, bail may be granted. Per contra, APP submits that, consent of minor is no consent. The accused kidnapped victim and had physical relationship with her. Offence is serious in nature. Hence, bail may not be granted.



4. I have gone through charge sheet. Certificate issued by victim's School shows that her date of birth is 10.03.2009. It means as on date of offence age of victim was 16 years. Investigation Officer has secured Ossification test report of victim which shows her age between 14-17 years. So it is a matter of trial to know what is exact age of victim. On this backdrop, medical examination report of victim does not suggest anything about use of force or violence against her. While narrating history to Medical officer victim stated that her parents want to perform her marriage without her consent. So she eloped with the accused.

5. In her statement to police dated 29.01.2025 and in her supplementary statement victim stated that, she is having love relationship with the accused. Parents of victim came to know about it. Victim's parents were saying that unless marriage of victim is performed she will not abandon relationship with the accused. In her statement given before Judicial Magistrate victim reiterated same facts.

6. Thus, victim has nowhere said anything which is suggestive of use of criminal force or violence by the accused against her. During investigation police has drawn necessary panchnamas. Clothes, biological samples of victim and the accused are seized and sent to RFSL, Amravati. Reply of State and victim speaks about seriousness of the allegation. However, they have lost



sight of contents of statement of victim.

7. Record nowhere shows previous criminal record of the accused. The accused is resident of Khamgaon city. So he got roots in the society. His presence can be secured during trial. Victim and the accused does not reside in same locality. In such circumstances when the accused is in jail from 29.01.2025, no fruitful purpose will be served by his further incarceration. Hence, I find substance in the submissions made by Advocate for the accused. Thus, grounds for bail are satisfactory. Hence, order.

ORDER

1.	Application Exh.04 is allowed.
2.	Accused Amar Shyam Gujar be released on bail on his executing PB & SB of Rs.30,000/- with one or more surety in like amount.
3.	The accused shall attend each date of hearing without fail.
4.	The accused shall not visit/enter area where victim reside.
5.	On furnishing bail and surety papers Hamdast is allowed.

Dt. 19.04.2025

(Prasad P. Kulkarni)
Additional Sessions Judge,
Khamgaon



Certificate

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

Name of Court : Addl. Sessions Judge, Khamgaon, Dist.Buldana.

Name of Steno : Govinda D.Bhoyte (Stenographer Grade-III)

Dictated on : 19.04.2025

Checked & Signed on : 19.04.2025

Decided on : 19.04.2025

Uploaded on : 19.04.2025