



ORDER BELOW EXH. 03
(Passed on 18.09.2025)

1. Present application is filed by Dashrath Prabhakar Borla, under Section 439 of Code of Criminal Procedure seeking relief of bail in connection with Crime No. 116/2025, registered with Sironcha Police Station for the offence punishable under Sections 64(2), 69 & 137(2) of the Bharatiya Nyaya Sanhita, 2023, Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is alleged by prosecution that applicant/accused kidnapped victim girl age about 17 years old with promise to marry with her on 20.04.2025 and thereafter resided with her as a husband and wife. It is alleged that, since then applicant/accused committed sex with her by giving promise to marry with her. Therefore, crime is registered for the said offence. The present applicant is arrested on 04/07/2025. Hence, this application for grant of bail.
3. The application is resisted by I.O. by filing his say through learned S.P.P. at Exh. 7 and resisted the bail application. Victim has also filed her say at Exh. 9 through Ld. A.P.P. and resisted the bail application.

4. Heard Ld. Advocate Shri. U.S. Galbale for applicant/accused and learned S.P.P. Shri. N.M. Bhandekar for State.
5. Learned Advocate for applicant/accused submits that, this is a first bail application. The F.I.R. and statement of victim shows that, the relations of accused and victim were consensual. He further submits that now victim is more than 17 years old and know the consequences of her act. Accused has not committed any offence. He further submits that, there is no antecedent of accused. He prayed to allow the bail application. In support of his submission he relied on the case of *Sunil Mahadev Patil -v- The State of Maharashtra, Bail Appln. No. 1036 of 2015 & Mohammed Ajjan Khan -v- The State of Maharashtra, Bail Appln. No. 4621 of 2024*, wherein the Hon'ble Bombay High Court released the accused having the similar facts in this case.
6. Ld. S.P.P. submitted that, offence is of serious nature and if applicant released on bail, he may tamper the evidence.
7. Victim filed her say at Exh.9 and submitted that accused has knowledge about her minor age and committed the sexual intercourse repeatedly and if released on bail, there is threat to her life.

8. Perused the application, say filed by I.O. and informant. At the time of alleged incident, victim is more than 17 years old. At the time of alleged offence, attended the age of maturity. It prima facie appears that, the relationship between present applicant and informant is prima facie consensual in nature. There is considerable delay in lodging F.I.R. from alleged first incidence and even after alleged last incidence. It is not a case of violent sexual offence or rape. The facts narrated in FIR is itself suggests that whatever relations she was having, was prima facie consensual. Investigation in this crime is completed and charge-sheet is filed. Applicant is local resident. There is no possibility of absconding. The reasons stated in say of Investigating Officer are not sufficient to reject the bail application. There is no need of further detention of present applicant behind bar for further indefinite period. This Court is burdened with more than 200 under-trials of serious offences. Under these circumstances, trial of this case may not commence and complete in near future. In the background of circumstances and observations in the above cited case, I am of the view that, present applicant/accused is entitled for bail. The fear of prosecution can be taken care by imposing certain conditions. Hence, in result, I proceed to pass following order:-

: ORDER :

1. The application Exh. 3 is allowed.
2. The applicant/accused Dashrath Prabhakar Borla in Crime No. 116/2025, registered with Sironcha Police Station for the offence punishable under Sections 64(2), 69 & 137(2) of the Bharatiya Nyaya Sanhita, 2023, Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on his executing P.R. bond of Rs. 30,000/- (In words Rupees Thirty Thousand only) with surety in the like amount on conditions that :-
 - a. The applicant/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any Police Officer and not to pressurize any prosecution witness.
 - b. The applicant/accused shall provide two copies of his permanent address proof.
 - c. The applicant/accused shall not contact victim by any means.
 - d. The applicant/accused shall not leave India without permission of the Court.

Aheri.
Date – 18/09/2025.

(Prakash R. Kadam)
Special Judge (POCSO Act),
Aheri.

CERTIFICATE

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of Court : Special Judge (POCSO Act), Aheri.

Name of Steno (Gr.-1) : Shri. R.B. Chandekar