



IN THE COURT OF DISTRICT JUDGE-3 & ASJ, GONDIA.

Spl. Case No. 69/2025.

(CNR NO.: MHGO010006642025)

State – vs – Manoj

ORDER BELOW EXH.5.

(Passed on this 18th day of June, 2025)

Perused the application and say of learned APP below it. I have also perused the say of victim/prosecutrix. Heard learned counsel for the applicant and learned APP. I have also gone through the case record.

2. It is the contention of the applicant that the informant/prosecutrix lodged report with Police Station, Keshori alledging that on account of love affair accused entered into physical relation with the prosecutrix and she became pregnant. The prosecutrix delivered a male child on 25.03.2025, who died on 28.03.2025. Accordingly, offences punishable under sections 64 and 64(2)(n) of BNS as well as under sections 4, 6 and 8 of POCSO Act as the prosecutrix is a child vide Crime No.25/2025. The applicant contended that

he is innocent and false allegations are made against him. He having no criminal antecedents. He not likely to abscond and ready to abide by the terms and conditions of the bail. Hence, he may be released on bail.

3. The learned APP submit that due to intimacy with the prosecutrix the applicant repeatedly committed sexual intercourse with the prosecutrix, due to which she became pregnant. He contended that DNA report not yet received. The offence is serious and heinous. Hence, the application may be rejected. The prosecutrix contended that she has not lodged any police report against the applicant. The applicant is ready to marry with her, hence, he may be released on bail.

4. On perusal of record, it revealed that the applicant was acquainted with the prosecutrix and they having love affair. Hence, it appears to be the case of consensual sex. In fact, the prosecutrix was residing with the applicant and today also she is ready to reside with the applicant. Thus, there are mitigating circumstances. The investigation is completed. So far as the objection of the police is concerned, they can be taken care of by imposing conditions. In result I pass the following order:-

ORDER

1. The application is hereby allowed.
2. The applicant Manoj Manakram Naitam is hereby released on bail in Crime No.25/2025 registered with Police Station, Keshori, in respect of offences punishable under sections 64 and 64(2)(n) of BNS as well as under sections 4, 6 and 8 of POCSO Act on executing PR bond of Rs.30,000/- with one solvent surety in the like amount subject to conditions:-
 - (i) The applicant shall not tamper with the evidence.
 - (ii) He shall not directly or indirectly made any inducement, threat or promise to the witnesses.
 - (iii) He shall made himself available and attend all court dates.
 - (iv) He shall not pressurize the prosecutrix.

Dated : 18.06.2025

(K. N. Gautam),
Addl.Sessions Judge, Gondia.