



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

Spl(POCSO) Case No.77/2025.

(CNR NO.: MHGO010007212025)

State – vs – Chandrashekhar

ORDER BELOW EXH.05.

(Passed on this 21st day of August, 2025)

Perused the application and say of learned APP below it, say of IO at Exh.6 and say of victim/prosecutrix at Exh.7. 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 he is arrested in Crime No.131/2025 in respect of offences punishable under sections 65(2) of BNS, sections 4 and 6 of the POCSO Act and section 3(1)(w)(i)(ii) and 3(2)(v) of SC & ST (POA) Act registered with Police Station, Duggipar on allegation that the applicant took the minor victim girl behind the bathroom of Zilla Parishad School at Gopaltoli, kissed her on cheek and applied his mouth to the vagina of said minor victim girl. The applicant contended that he is falsely

implicated. The investigation is completed. The applicant is the sole earning member of the family having no criminal antecedents. He is ready to abide by the terms and conditions of the bail. Hence, he may be released on bail.

3. Learned APP contended that the accused forcefully took the victim to bathroom and licked the vagina of the minor child, which amounts to offence of aggravated penetrative sexual assault. There is ample evidence on record. The applicant is likely to tamper the evidence. The police contended that the applicant may pressurize and threaten the witnesses. The offence is serious in nature and applicant may likely to commit similar offence, if released on bail. The victim contended that there is danger to her family from the applicant. It is contended that the applicant may influence the witnesses. Hence, the application may be rejected.

4. In the instant case, the offence is committed against a minor girl of about 6 years old. The offence committed by the applicant is very serious regarding applying his mouth to the vagina of the child victim of less than 12 years, which amounts to offence of aggravated penetrative sexual assault. There is every possibility that the applicant may tamper the evidence and commit similar offence, if released on bail.

Cosidering the nature of offence committed by the applicant, it is very dangerous to release him as he may commit similar offence against other child victim. Hence, the applicant is not entitled for bail. In result I pass the following order:-

ORDER

1. The application is hereby rejected.

(K. N. Gautam),
Addl.Sessions Judge and Special
Judge (Under POCSO Act), Gondia.

Dated : 21.08.2025