

MHJN010013672023



**Order Below Exh.2**  
**In**  
**Special Case No. 91/2023**  
[ State Vs. Santosh Sarode ]

1. Present application Exh. 2 is an bail application filed on behalf of the accused in Cr.No.35/2023 for offences u/s. 354(A), 354(D), 376(2)(N)(I), 341, 452, 506 of IPC and u/s.4, 6, 8, 10, 12 of Protection of Children from Sexual Offences Act registered with Paradh police station.

2. The victim aged 15 years 6 months has reported that she is residing along with her maternal grandmother Kamlabai Narayan Chanda. She is basically resident of village from Aurangabad, but since her childhood she is residing along with her grandmother Kamalbai at a village in Bhokardan Taluka. According to the victim, on 08/01/2023 her grandmother had been to village Borgaon and she was alone at home at around 10:00 pm. In the night she has received phone call of some person who wanted to speak with her neighbour. Hence, she took the mobile phone on her neighbour house by just putting the bold to her door. When she returned back, she found that her door had been opened somebody. She entered her house and closed the door from inside. Suddenly, the accused who had already entered her house while she had been to the house of her neighbour,

caught hold of the victim and had committed penetrative sexual assault upon her. While committing penetrative sexual assault, he had also taken indecent photographs of the victim in his mobile phone and threatened her not to tell about the incident to anyone or else, he would make those photographs viral. The accused also threatened that if she will not perform marriage with Karan, he should consume poison and threw box on her by saying to consume it. He also threatened her that if she would perform marriage with any other person, he will dragged her from that person and she will have to face the dire consequences. On 08/01/2023, Karan Devsingh Nimrot again came at her house and asked her to perform marriage with him and threatened that she would not perform marriage with him, he would make photographs viral. Based on the information FIR came to be registered against accused persons.

3. In the bail application filed on behalf of accused Mahadu vide Exh.2 it is submitted that there is delay of about 37 days in the lodging of FIR, the accused came to be arrested on 16/02/2023 since then he is languishing behind bar. Accused and the victim are the resident of the same village and are distinct relatives. Offence is registered against the accused because of the prior political enmity between the two families. In the nature of allegation investigation is completed. Further detention of the accused is not required. Hence, it is prayed that applicant/accused be enlarged on bail.

4. Notice was issued to the prosecution and also to the

informant. Prosecution has filed its say vide Exh.7 and contended that the victim is just of 15 years and the offences are serious. Apart from this there are accusations u/s.5 and 6 of the POCSO Act. Considering the gravity of the offence, the bail application be rejected.

5. Upon notice to the victim, she also appeared and filed her objection vide Exh.8 contending that the accused has committed serious offence, the accused is distinct relative of the victim. If the accused is granted bail, he may pressurize the victim. Hence, it is prayed that the bail application be rejected.

6. Heard, learned Advocate for the both the sides.

7. It is matter of record that charge-sheet in the matter is filed. I have perused the charge-sheet before me. It is undisputed fact that the victim girl is of 15 years 6 months. The allegation against the accused is u/s. 376(2)(i) and (n) of IPC and section 6 of the POCSO Act. Both the offences prescribes stringent punishment. The medical history given by the victim to the medical officer is consistent with FIR. As per the medical report there are signs of Vaginal penetration which *prima-facie* appears to be consistent with the FIR.

8. Considering the gravity of the offence and the facts that accused is distinct relative of the victim, there is possibility that he may pressurize the victim girl as they are resident of the same village. The victim admittedly is the minor child who resides with her widow

grandmother. Considering all this aspects, I do not find this is to be a fit case for consideration of bail. Hence, I pass the following order.

**ORDER**

Application (Exh.2) stands rejected.

Date :- 18/04/2023

(A.D.Deo)  
Addl. Sessions Judge,  
Jalna.

Certificate

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

Name of Steno :- A.P. Deshmukh

Name of Court :- District Judge-1 & Addl. Sessions Court, Jalna.

Date :- 21/04/2023.

Sd/-  
Stenographer Grade-1