


MHKO010043542022 	<u>Order below Exh. 5</u> <u>in Spl. Case No. 246 of 2022.</u>
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1. This is an application filed by the applicant/accused Sagar Dinkar Sasane seeking bail under section 439 of Cr.P.C. in regard with Crime No. 257 of 2022 for the offence punishable under Sections 376, 376 (2) (f) (h) (i) , 504 of the Indian Penal Code and under Sections 4, 6 and 8 of Protection of Children From Sexual Offences Act, 2012 registered at Police Station Gandhinagar, Dist. Kolhapur.

2. Case of the prosecution in short as follows that -

Complaint is filed by the victim herself. Victim is minor girl about 14 years old. Applicant-accused is the father of the victim. It is alleged in the complaint that she is studied up to 7th standard. It is alleged that victim reside with her mother, two sister, grandmother and father in a rented premises. It is alleged in the complaint that in the summer season of 2020 once in the night when all family members were slept, applicant-accused i.e. her father entered her room, embraced and forcibly kept sexual relations with her by giving threat that she will be oust from the house and will not provide food. According to the victim said act of forceful physical relations was occurred several

times thereafter also. Thereafter her menstrual cycle was stopped, hence her grandmother took her at the hospital, there they came to know that victim is pregnant due to above said incidents. Thereafter on 23.9.2022 in the morning a lady group of Asha worker came to her home for medical check up, they took her to Gadmudshingi PHC, thereafter to CPR Hospital. Thereafter FIR came to be lodged against the accused.

3. The applicant was arrested on 24.9.2022. Now he is in MCR.

4. The learned counsel for the applicant-accused has submitted that the applicant-accused is innocent and he has not committed any offence. He has been falsely implicated in the present crime on suspicion. He is deeply rooted in the society and ready to obey the terms and conditions imposed by the Court while releasing him on bail. The learned counsel for the applicant-accused has further submitted that the investigation in the present crime has been completed, chargesheet is filed and custodial interrogation of the applicant-accused is not required to the police. With these submissions, the learned counsel for the applicant has prayed for releasing the applicant-accused on regular bail.

5. The investigating officer has filed say at Exh. 10 through learned Addl.P.P. Shri. R. V. Chavan elaborating the investigation, the investigating officer has raised objection to

release the applicant-accused on bail.

6. The learned Addl.P.P. Shri. R. V. Chavan has vehemently argued that the offence is very serious in nature. If the applicant-accused is released on bail, there is every possibility of pressurizing and threatening the victim and also other witnesses and tamper the evidence by the applicant-accused. Therefore, the learned Adll.P.P. has prayed for rejection of the application.

7. Perused the record and say at Exh. 10. Heard Shri. D. N. Gavade learned counsel for the applicant-accused and learned Addl.P.P. Shri. R. V. Chavan for the State. Considering the facts of the case and the arguments advanced by both the sides, I come to the conclusion as follows:

8. It is argued by the Learned Advocate for the applicant-accused that applicant has not committed any offence. It is argued by the Learned Advocate for the applicant-accused that the false complaint has been filed against him due to some misunderstanding. According to the applicant the victim is her own daughter, therefore, alleged incident is highly impossible.

9. Mother of the victim and grandmother of the victim had filed their affidavits at Exh. 22 and 23. They have given no objection to release the applicant accused on bail. It is contended in the affidavit that the victim was working in one

shop at Gandhinagar and she had intimacy with one of the labour working in the said shop. According to them the applicant has not committed the offence. It is further contended in the affidavits that the accused is suffering from the disease of epilepsy so he gets dizzy and falls anywhere. He is having three daughters and nobody is earning in the family. The mother of the accused is old aged and is ill, therefore, they are facing problem of livelihood and starvation.

10. On perusal of the record it is seen that the victim has made specific allegations against the accused in her statement. So also in her medical examination she had given the history and made allegations against the applicant accused.

11. The Investigating officer has raised strong objection that the DNA report is positive which goes against the applicant. As per the facts and the statement of the victim she had missed her Menstrual course therefore, her grandmother had taken her to Doctor at that time Doctor informed her grandmother that she is pregnant and given her chit for sonography. Thereafter she was at home however on 23.9.2022 one of the Asha worker of PHC had gone to her house for checking, that time she saw her stomach and on enquiry came to know that she is pregnant, therefore, was taken to CPR hospital. As such considering the seriousness of the offence it can be seen that after having the knowledge of alleged incident the mother and the grandmother

had not taken the initiative to lodge the report. Therefore, I find no substance in the no objection given by the mother and grandmother of the victim.

12. As such the offence is very serious in nature, against the society at large. Prima facie evidence is available against the applicant-accused. Considering the medical issue raised by the wife and mother of the applicant I find that Jail authority will take care of the accused if need arise. The offence is very harsher crime, serious in nature and against the minor girl. The applicant is the father of the victim. If the applicant-accused is released on bail there is possibility of tampering of evidence and pressurizing the victim and witnesses. Hence, I am not inclined to grant bail to the applicant-accused. Hence, the following order.

ORDER

Application stands rejected.

Sd/-

Dt. 2.3.2024.

(Smt.P.F.Sayyad)
Additional Sessions Judge-1,
Kolhapur.