

MHND010013302025 	<u>IN THE COURT OF ADDITIONAL SESSIONS</u> <u>JUDGE-1 , NANDED</u> <u>SPECIAL CASE NO.81/2025</u> <u>State -Vs- Laxmikant @ Yogesh</u>
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ORDER BELOW EXH. 2

This is a successive bail application filed by the applicant/accused under Section 483 of Bharatiya Nagarik Suraksha Sanhita, in Crime No. 40/2025 of Tamsa Police Station Dist. Nanded for the offence punishable under Section 376 of the Indian Penal Code and Section 4, 8 of the Protection of Children from Sexual Offences Act (hereinafter referred as 'POCSO').

2. Applicant by this application has contended that, there is delay in lodging the report and same is sufficient to show that, he is falsely implicated in the crime. The applicant is innocent and has no criminal antecedents. Moreover, the age of victim is deliberately shown as minor at the time of lodge of the report. Investigation is completed and charge-sheet is filed before the Court. He is ready to abide terms and conditions imposed on him. So, it is prayed that, he be released on bail.

3. The Ld. APP and I.O. have contested this application by filing say vide Exh.7. It is contended that, the offence charged is serious in nature and if, applicant is released on bail he is likely to pressurize the informant and witnesses and tamper with the evidence. So, considering the gravity of the offence and impact of the same on society if applicant is released on bail, it is prayed that, application be rejected.

4. Informant has appeared as an intervenor and has contested this application by filing her affidavit vide Exh. 6 and has prayed to reject the application.

5. Heard Ld. Adv. Mr. R.G. Paralkar for the applicant and Ld. APP Smt. Battulla for State. They have argued as per the line of their contentions in the application and say respectively.

6. Gone through the report. It is alleged by the informant that marriage of victim was fixed with applicant when she was minor. Their engagement was performed and date of marriage was fixed. In the mean time i.e. on 14.02.2021 at about 12.00 pm when victim was studying in 10th standard applicant had been to her house to meet her on valentine day when she was alone in her house and has committed rape on her. Whereas, subsequently on the ground that victim was suffering from serious disease, the applicant broke his marriage with her. Even though parents of the victim got her examined at hospital and her reports were normal then also applicant refused to perform marriage with victim etc. Hence, the report.

7. The applicant is claiming bail mainly on the ground that, investigation is completed and charge-sheet is before the Court. It is also argued that, there is discrepancy in the statement of witnesses. There is unexplained delay in lodging the report. So, considering the same applicant be released on bail. In support of this submissions, Ld. advocate for applicant has relied on the case of-

1.	Ritik Suresh Millii Vs. State of Maharashtra & Ors. 2025 ALL MR (Cri) 983.
2.	Ghanshyam Maruti Chougule Vs. The State of Maharashtra & Anr. 2025 ALL MR (Cri) 861.

8. Per contra, Ld. APP argued that, victim was minor at the time of alleged offence and prima facie there is sufficient material on record to show direct involvement of applicant in the crime. So, considering the gravity of the offence and punishment provided for the same application be rejected.

9. Considered the rival submissions. Gone through the record. It can be seen that, prima facie there is sufficient material on record to show that applicant has sexually assaulted the victim when she was minor i.e. when she was studying in 10th standard. Thereafter, even though engagement of the applicant was solemnized with victim and date of their marriage was fixed applicant has refused to perform marriage with the victim.

10. The applicant is claiming bail mainly on the ground that, there is delay in lodging the report after the alleged incident of sexual assault in the year 2021. On this point in the report itself it is specifically stated that, immediately after the said incident the victim has narrated the same to her parents, but due to fear of defamation and also on the ground that, applicant will refuse to marry if the said incident is disclosed to anyone, the said incident was not disclosed to anyone. So, prima facie at this stage it can be seen that, delay in lodging the report is explained in the report itself.

11. Gone through the case law cited supra in case of **Ritik** (Cited Supra) considering the silence of victim and discrepancy in her statement and age of applicant bail was granted to the applicant. In the case of **Ghanshyam** (Cited Supra) considering the fact of unexplained delay of one year in lodging the report bail was granted. In the present case as discussed above, delay appears to have been

explained prima facie in the report itself. Furthermore, the statement of informant i.e. victim is not inconsistent and there is no discrepancy in her statement. Therefore, I held that, case law cited supra are not helpful to applicant.

12. In view of above discussion, considering the gravity of the offence, punishment provided for the same I do not think it is fit case to grant bail to the applicant. So, I proceed to pass following order.

ORDER

Application is rejected.

sd/-

(R.M. Shinde)

Additional Sessions Judge-1
Nanded.

Date : 09.07.2025

CERTIFICATE

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

Name of the Stenographer :- Muley S.M.

Court Name :- Additional Sessions Judge-1
Nanded

Date :- 09.07.2025

Judgment/order signed by the

Presiding Officer On :- 09.07.2025

Judgment/order uploaded on :- 14.07.2025