

MHND080007362025



Order below Exh. 02 in Spl. Case (POCSO) NO.60/2025
(State Vs. Sunil Dhere)

The present bail application is filed by the accused u/s. 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023, for regular bail.

2] In short the prosecution's case is that :-

The informant resides with her daughters. It is alleged that the victim is 17 years old. She was residing for education purpose at Nanded. It is alleged that in June-2025, the victim told that the accused, who is their relative, was visiting her room and college and was asking her to marry with him and so she was called at her village. She and her husband had told about to the accused and his mother. It is alleged that prior to 8 days of the incident, the accused and his mother had been to her house and asked them to perform marriage of the victim with the accused, however, they refused as accused was already married. It is alleged that on 09-07-2025 at about 10.45 pm, the accused came in her house and forcibly took the victim on motorcycle. On this sort of report, the Loha police station has register the crime as C.R No.208/2025.

3] The learned APP has filed say overleaf and has resisted the application.

4] Notice was issued to the informant who has appeared through her advocate and vide Exh. 07 has filed affidavit resisting the application.

5] Heard both the sides and learned advocate for the informant.

6] The learned advocate for the accused submitted that this is first bail application. He submitted that the statement of the victim recorded u/s. 183 of the Bhartiya Nyaya Suraksha Sanhita in which she has stated that she was chatting with the accused on mobile phone and they had decided to marry. He submitted that she has stated that her father and her uncle came to know about it and so she was called at the village. He submitted that she has stated that she has called the accused and went alongwith him on motorcycle.

7] He submitted that the victim is 17 years old, she on her own has called the accused and she has gone with him. He submitted that the victim in her above statement, has not stated anything about any physical relations with the accused. He submitted that the story put up in the report is false. He submitted that had the incident taken place as stated in the report, the

accused surely could have been prevented from kidnapping the victim.

8] He submitted that the victim is having understanding capacity and she on her own has accompanied the accused. He submitted that the accused is arrested on 11-07-2025 and he is in custody. He submitted that the charge-sheet is filed and now there is nothing on record to keep the applicant in further custody. He submitted that the accused is resident of Iradal, Tq. Gangakhed Dist. Parbhani and so there is no question of tampering of evidence. He submitted that the accused is the sole bread earner of his family, there are no antecedents against him and he is ready and willing to abide by the conditions which may be imposed on him.

9] On the other hand, the learned APP has strongly objected the application. He submitted that the victim on the date of incident was a minor and so the alleged consent is immaterial. He submitted that the accused was following the victim, he used to visit her place of resident, college and used to ask her to marry with him. He submitted that the accused is married, however, still he was persuading the victim to marry her.

10] He while referring to the medical examination of the victim submitted that there is evidence suggesting that there was intercourse. He submitted that the victim and the accused are

relatives, he knew that the victim was a minor, he was married and still he was harassing her to marry with him. He submitted that the accused was visiting the hostel, college of the victim and if he is released on bail, there is every likelihood that he will try to contact the informant and tamper the evidence.

11] Learned advocate for the informant has supported the submissions of the learned APP. He submitted that the relatives of the accused are threatening the informant and the victim. He has prayed for rejection of the application.

12] The report as well as the statement of the victim recorded u/s. 183 of the Bhartiya Nyaya Suraksha Sanhita, 2023 shows that the accused and his mother were insisting the victim and her parents for her marriage with the accused. The statement of the victim recorded u/s. 183 of the Bhartiya Nyaya Suraksha Sanhita, 2023 discloses when she was residing at the hostel, the accused was visiting her there and at the college also. It further discloses that the victim and the accused were talking on mobile phone. There are specific allegations against the accused that he is already married, about which the accused has kept silence.

13] Considering the above circumstances and considering the age of the victim, the possibility that the accused will tamper the prosecution evidence cannot be ruled out. It will be unjust and improper to release the accused on bail, though the charge-sheet is

filed. In the result following order is passed :-

ORDER

1. The application is rejected.
2. Inform the concerned Police Station.

Date : 30.09.2025

(Mandar N. Patil)
Addl. Sessions Judge,
Kandhar.

CERTIFICATE

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

Name of stenographer	Y.S. Kausadikar
Name of Court	Addl. Sessions Court-1, Kandhar
Date of Dictation	30.09.2025
Order signed by the P.O on	30.09.2025
Order uploaded on	30.09.2025

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