

**Order below Exh.4 in Spl.(Pocso) Case No.14/2025.**  
{ Pradip Pralhad Chandrashekhar Vs. State }

This is first bail application under section 439 of Cr.P.C. (U/s. 483 of the Bharatiya Nagrik Suraksha Sanhita 2023), for grant bail after filing of charge-sheet for in CR No. 342/2024 registered with Panchavati Police Station for commission of offence punishable under Section 363, 376(2)(n), 366 of the Indian Penal Code and Section 4,8, 12 of the POCSO Act.

2. Perused the application, say of I.O. and charge-sheet. Original complainant is appeared through advocate. Heard both side.

3. Accused is arrested on 15.11.2024. Earlier Bail application No.909/2023 is rejected. The present bail application is filed on the ground that completion of investigation and charge-sheet is filed.

4. Ld. Advocate for the accused submitted that, the victim is 14 years old and accused is 27 years old. Both are labourer. It is contended that, earlier also the victim ran away with the accused therefore her mother filed complaint with Mhasrul Police Station which is now Spl. Case No.157/2023 in respect of the same victim and same accused. Now the mother has changed the police station and lodged this complaint at Panchavati police station.

It is contended that, the victim girl is coming to the accused due to love relation. There is no allurements or kidnapping. Nothing will be achieved by keeping the accused in jail. He will attend for the trial.

5. Ld. APP has submitted that, victim is below 16 years minor. She is subjected to sexual intercourse by the accused, who is on bail in the earlier offence registered against him for same victim. He has again committed fresh offence upon the minor. He is not abiding the terms and conditions of his earlier bail application No.909/2023 in CR No.26/2023. Hence bail application be rejected.

6. Perused the earlier bail order Cri. Bail Appln. No.909/2023 dated 6.5.2023 in CR 26/2023 for offence U/s. 363, 376(1)(2)(i)(n), 506 of IPC and sec. 4,6 of POCSO registered with Mhasrul Police Station, Nashik. It is pertaining to the same victim and same accused. The accused was put to condition that he shall not tamper with the prosecution evidence, he was directed not to enter the vicinity where victim resides till end of the trial.

My predecessor in the present case of Panchavati Police Station has rejected the bail application bearing No.2458/2024 in CR 342/2024 registered with Panchavati Police station for offence U/s. 363, 376(2)(n), 366 of the Indian Penal Code and Section 4,8, 12 of the POCSO Act, in which the conduct of the accused who is not abiding by earlier order of bail is observed.

It is seen that, accused is repeating the penetrative sexual assault on the minor victim, who is below 16 years. Accused is 27 years old. The submission that victim is coming to him will not absolve accused from the aggravated sexual offence against children. Now, also the accused has established repeated sexual penetrative sexual intercourse on the victim by taking her to another place and cohabiting with her for 3 months. It is not proper to subject the child under POCSO to penetrative sexual assault only because child is coming to the accused. It is seen that accused is not bothered with the terms and conditions of the bail order dated 6.5.2023. He is repeating the aggravated sexual offence on the same victim. In these circumstances, a 27 years old accused is exploiting the 14 years old minor girl is clear. Hence, I am not inclined to grant bail. Hence, following order.

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**ORDER**

1. Bail Application Exh.4 is hereby rejected.
2. Inform to the concern police station.

Date: 25.02.2025

( Smt. Priti Kumar Ghule )  
Special Judge and Addl. Sessions Judge-5,  
Nashik.