

IN THE COURT OF SPECIAL (POCSO) JUDGE , NASHIK

ORDER BELOW EXH. 4 IN SPECIAL (POCSO) CASE

NO. 231 of 2025

MHNS010054072025

(Dated 11.11.2025)

1] Applicant/accused **Dattu Parasram Rokade** is seeking bail as per Section 483 of BNSS, 2023 in Crime No. 264/2025 registered with Dindori Police station, Nashik, Dist. Nashik for the offences punishable under section 64(2)(f)(m), 65(1), 352 of BNS, 2023 and Section 4, 6, 8 and 12 of The Protection of Children from Sexual Offences Act, 2012.

2] Prosecution's case is that victim on 20.06.2025 lodged the report. According to her, on 23.05.2025 she had been to the house of accused, her maternal uncle along with family members. At about 9.00 a.m. all the family members went for sleep. In the hall, accused, Chaitanya, Sarthak and the victim were sleeping. At about 10.00 p.m. accused came near the victim and asked her to sleep with him. Thereafter, at 10.0 p.m. to 12.00 midnight, accused forcibly involved in penetrative sexual assault with victim. Victim was threatened. Thereafter, on 24.05.2025 again, accused had penetrative sexual assault at about 4.00 to 4.30 a.m. in the morning. Thereafter, victim had stomach ache. That time, she disclosed that accused had committed penetrative sexual assault on her.

3] Accused submits that, complaint was lodged due to vengeance. There is delay for the complaint of one month. There is agriculture dispute between mother of the victim and the accused. The agriculture land Gat No.16 is in the name of accused. For these reasons, false report is lodged. It is submitted that investigation is completed. Charge-sheet is filed and hence, bail be granted.

4] Investigation officer and prosecutor have filed their say at Exh. 6 & 7. Mother of the victim, as guardian filed her say at Exh.12 & 13. Victim filed her affidavit at Exh.14.

5] Heard learned Adv. Mr.Akshay U.Dalvi for the the accused. Heard learned APP Shri.S.H.Sonawane. Heard learned advocate for mother of victim.

6] At the outset, it be noted that allegations of penetrative sexual assault are by maternal uncle of the victim. Admittedly, accused is husband of sister of Sheetal Shinde, mother of the victim. Victim had given statement before police and also statement before learned Magistrate under Section 183 of BNSS, 2023. Both these statements prima-facie reflects that victim was forced by accused for sexual assault. Admittedly, victim is minor.

7] Bail application is filed on the ground that, there is agriculture land dispute. Mother of the victim filed her affidavit.

8] On the last date at the time of passing order, I had passed order and directed investigating officer to produce the victim before the Court. Accordingly, victim was present yesterday and she is heard. She submits that, there is land dispute. It is submitted that, there is compromise out of the court and hence, bail be granted.

9] At the outset, it be noted that, victim was 14 years 11 months and 29 days old at the time of incident. Accused is 43 years old person. This is not the case of love affair between minor girl and a boy of 19 years of age. Prima-facie in the charge-sheet, there is material showing that accused committed penetrative sexual assault

on victim. Besides, statement before the learned Magistrate of victim, there is evidence about the medical examination report, wherein history was stated as accused had sexual intercourse with victim for 4 times during 2 days. There are statements of witnesses viz. Navnath Chavan, Ravindra Shinde, Dr.Akshay Alizad. If all these aspects are considered, then mere for a compromise out of the court, bail cannot be granted.

10] In respect of delay in lodging the FIR, explanation can be given by prosecution at the time of trial. At this stage, it cannot be said that for delay in lodging FIR, victim had given false statement before the learned Magistrate.

11] For all these reasons, following order is passed.

12] Application Exh.4 is rejected.

Nashik
Date: 11.11.2025

(Jairaj D.Wadne)
Special (POCSO) Judge
Nashik