

Order below Exh.5 in Spl (poc so) Case No.333/2024.
{ Mangesh Popat Lokhande Vs. State }

This is first bail application under section 439 of Cr.PC., for grant bail after filing of charge-sheet for in CR No. 398/2024 registered with Dindori Police Station for commission of offence punishable under Section 74,75 of the Bharatiya Nyay Sanhita,2023 and Section 8, 12 of the POCSO Act.

2. Perused the application, say and charge-sheet. Heard both side. Perused the statement U/s. 183 of BNSS of the victim. Adv. Manisha Dongare advocate for complainant is present and filed no objection for bail.

3. Accused is arrested on 15.10.2024 and is in jail.

It is alleged that, on 16.10.2024 at about 12.00 noon when the 17 years old complainant was alone at home and her younger brother was playing outside, she was also sitting outside the house when the accused came near her and asked for water. She went inside the house and said there is no water. He confronted her that he has seen her to bring the water and he pressed her mouth with his hand, caught hold her arm and dragged her inside the house and put her on the cot, he kissed her on the lips. She raised shouts. The neighbours came and accused ran away.

The charge-sheet is filed and investigation is over. There is no penetrative sexual assault. Hence, complainant is refused for medical examination.

4. Ld. Advocate for the accused submitted that, 2 yeas ago the wife of cousin brother of the complainant was the Sarpanch of the village. At present accused is the Sarpanch. There is political rivalry between accused and wife of cousin brother, in this background the

present complaint is lodged. Now Investigation is over, offence is not severely punishable.

5. Ld. APP submitted that, victim was 17 years old at the time of incident and accused residing in same locality. Accused will tamper the prosecution witnesses, if released on bail.

6. Ld. Advocate for the complainant has given no objection for grant of bail. The complainant and her mother are present in Court and filed no objection is clear. In these circumstances and taking into consideration facts, the nature of punishable not severe too. It is not necessary to keep the accused in jail, pending the trial. It is fit and proper to grant bail. Hence, the following order.

ORDER

1. Bail Application Exh.5 is hereby allowed.
2. Applicant-accused be released on bail on executing a PR of Rs.25,000/- with surety in like amount in connection with the in CR No. 398/2024 registered with Dindori Police Station for commission of offence punishable under Section 74,75 of the Bharatiya Nyay Sanhita,2023 and Section 8, 12 of the POCSO Act.
3. He will not tamper the prosecution witnesses.
4. He will attend the Court regularly for trial.
5. Copy of this order be sent to the Superintendent, Central Jail, Nashikroad, Nashik by email for necessary information.

Date: 24.03.2025

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