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**S. C. No. 17 /2020**  
**State V/s Ashok Deepak Jadhav**

**Order below Ex. 5 :-**

The applicant has filed the application for regular bail under Section 439 of the Code of Criminal Procedure in Crime No. I 178/2019 for the offences punishable under sections 363, 376(3) of I.P.C. and U/s. 4 of POCSO Act, 2012 registered at Satana Police Station.

02] In brief the case of prosecution is that on 03/10/2019, informant Devidas Shravan Borase lodged complaint to Satana Police Station. He alleged that on 03-10-2019, his sister i.e. victim girl went to the school. At about 05.00 p.m. he went to the school to pick up her, but he found she was missing from the school. On the basis of his statement police has registered the offence against the unknown person.

03] The learned APP Shri Pagare filed his Say inter-alia contending that offence is serious and against minor girl. If applicant/accused is released on a bail, then there will be question of law and order and accused will pressurize the informant and the witnesses. If he is released on a bail, he will commit such type of offence again. Ultimately, he prayed for rejection of the application.

04] Heard the learned advocate Shri. S.K. Bhamare for the applicant and learned A.P.P. Shri. Pagare, for the State.

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05] Perused the statement of victim. She has specifically stated that applicant/accused has kept forceful physical relations with her against her will and wish. The victim was of 13 years old at the time of the incident. It appears that applicant/accused has induced her to leave the house of her parents and compelled to live with him. Victim is minor. She is not having the age of understanding. Under such aggregating circumstances, I am of the opinion that applicant/accused is not entitled for the bail. Hence I pass the following order.

**ORDER**

The application is hereby rejected.

Malegaon,  
Date: 27-08-2020.

( Aniruddha Subhash Gandhi)  
Addl. Sessions Judge, Malegaon.