

MHNS070017272025

Special Case No.157 of 2025

The State of Maharashtra &
others

...Complainant

Vs

Ajay Babu Mohan

... Accused

ORDER BELOW BAIL APPLN. Exh.3
(Passed on 19/09/2025)

1. This is application for bail filed on behalf of accused who is charge-sheeted in connection with C.R. No.268 of 2025 registered at Nandgaon Police Station for the offence p/u/s 64(2)(m), 69 of the Bhartiya Naya Sanhita, 2023 (hereinafter referred as 'the B.N.S.) and Section 4, 6 of the Protection of Children from Sexual Offenses Act, 2012 (hereinafter for short ' the POCSO Act').

2. Ld. APP for the State has opposed the application by filing written say of I.O. at Exh.5.

3. The guardian of the victim appeared and opposed the bail application by filing his written say at Exh.7.

4. Heard, Shri. R.V. Pagare, Ld. advocate for the accused and Shri. S. K. Sonawane, Ld. APP for the State. Both argued vehemently. Also heard the guardian i.e. father of the victim.

5. Ld. Advocate for the accused submitted as under :-

Accused came to be arrested in connection with above mentioned crime on 18/06/2025 and he was produced on 19/06/2025 before the Court and remanded in MCR. It is alleged that the victim is minor and informant/mother of victim and victim had gone in the village for sugarcane cutting and they were residing in the huts. It is further alleged that accused was also working as sugarcane cutting labour and

he by giving promise of marriage to the victim, repeatedly committed sexual intercourse with her, therefore, she became pregnant from him and victim is pregnant for 4 ½ months period. The age of the victim about 17 years. Therefore, she has attained the age of understanding and knowing what is right and wrong. The victim and accused developed love with each other and both decided to get marry after attaining the age of majority. The incident stated in the FIR did not take place. The family members of the victim got knowledge about the love affair of victim and accused and therefore, they got annoyed and they lodged false report against accused. The accused belongs to poor family. His age is 25 years. Therefore, if he would remain the Jail, there would be effect on his mental health. It will take time for the framing of charge and commencement of the trial. Already charge-sheet is filed as the investigation is complete. No purpose would be served in keeping the accused behind the bars. The victim in her statement has not made any specific allegation/allegations against accused. Only because of suspicion report is lodged by the mother of victim. The accused is not having criminal record. He is having permanent residence. He is ready to abide all conditions of bail. Therefore, regular bail be granted to the accused.

6. On the other hand Ld. APP for the State and father of victim submitted as under:-

Mother of victim and victim were staying in the huts of sugarcane cutting labours. The accused is also sugarcane cutting labour. The accused gave promise of marriage to the victim who is 16 years 5 months old and repeatedly committed forceful sexual intercourse with her, therefore, victim became pregnant. At the time of lodging report she was pregnant for 4½ months period. The medical examination of

the victim and accused are conducted. After the completion of investigation charge-sheet is filed against accused as there is sufficient material and evidence showing the involvement of accused in committing the said offences. The offence is against minor victim girl. It is serious offence. The provisions of POCSO Act are applicable to the present case and there is presumption in respect of commission of offence under the said Act. The child is yet to be delivered by the victim. If bail is granted to the accused he would pressurize the informant, victim and other witnesses. Charge can be framed and trial can be expedited as the prosecution is ready to examine the witnesses on day to day basis. Therefore, the application should be rejected.

7. Admittedly, accused is charge-sheeted for the offence p/u/s 64(2)(m), 69 of the B.N.S. and Section 4, 6 of the POCSO Act. After going through the charge-sheet, allegations in the FIR and statements of witnesses and School Register Extract of the victim, prima facie it can be said that birth date of the victim is 09/01/2009. The alleged incidents took place during the period from 16/11/2024 to 03/06/2025. It means at the time of alleged incidents the victim was below 18 years of age. I have gone through the statement of victim. She has alleged that alongwith her parents she had been to the village for sugarcane cutting and accused was there for sugarcane cutting and he used to talked with her softly and after some days he said her that we both should marry, at that time she told him that she is minor. In her statement victim has further alleged that prior to 3 or 4 months, during night time accused woke up her and gave promise of marriage to her and took her in his hut and removed her clothes and forcefully committed sexual intercourse with her.

8. In the statement of victim, it is further alleged that thereafter again for two times accused took her in his hut and committed forceful sexual intercourse with her and on 03/06/2025 as she was having fever, her parents took her in the Private Hospital, at that time Doctor told that she (victim) is pregnant. According to victim she became pregnant only because accused forcefully committed repeated sexual intercourse with her.

9. I have gone through the medical reports of victim and accused. After considering the allegations against accused in the FIR, statements of witnesses particularly the victim and the Medical Examination Reports of victim and accused, prima facie it can be said that there is sufficient material and evidence showing the involvement of accused in committing the alleged offences. The accused is 25 years old. Whereas, the victim, at the time of alleged incidents, was 16 years 5 months old. Therefore and considering the specific allegations made against accused by the minor victim, it cannot be said that the present case is of a love affair between the two adolescents. There are presumptions under the POCSO Act. Therefore, at this stage, it cannot be said that the accused is falsely implicated or he is implicated only on the basis of suspicion because the family members of victim came to know about his love affair with the victim. Charge can be framed against accused and trial can be expedited as the prosecution is ready to examine the witnesses on day-to-day basis. In short, it can be said that at this stage, the accused is not entitled for bail. As such, the application is to be rejected. Hence, I pass the following order.

ORDER

1. The application is rejected.
2. The case is fixed on 26/09/2025 for framing charge against

accused.

3. Inform accordingly, to the D.G.P./PP and Police Station Officer of the concerned Police Station.

(Soft copy of this bail order be sent to the concerned Jail Authority through E-mail for providing its copy to the accused.)

Date- 19/09/2025.
Malegaon.

(K. R. Patil)
Addl. Sessions Judge, Malegaon.
Dist. Nashik.