

**ORDER BELOW EXH.3**

1. This is an application under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, by accused Samadhan Kailas Pawar for the grant of bail in Crime No.273/2024, registered with Vadner Khakurdi Police Station, Tal. Satana, Dist.Nashik for the offences punishable under Sections 363, 366A, 376, 342, 323, 506 of the of the Indian Penal Code, 1860 (Hereinafter referred to as 'the IPC' for short) and sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (Hereinafter referred to as 'the POCSO Act for short)
2. Heard the learned counsel for the accused, the learned A.P.P for the State, ld. counsel for the original informant and the victim in-person. Perused the record.
3. It is submitted by the learned counsel for the accused that no injury is shown on the person of the victim in the medical papers. The doctor opined that there was no penetration or rupture of hymen. The accused is in jail since 21/06/2024. There are no criminal antecedents against him.
4. *Per contra*, it is submitted by the ld. APP that the accused assaulted the victim sexually. He is likely to tamper with the evidence. It is submitted by the ld. counsel for the informant that there was sexual assault, by intoxicating the victim, which is a heinous act. There is no reason for false implication.

5. As per the FIR, the accused took the victim, aged about 13 years 7 months, by falsely pretending that she was called by his mother. Thereafter, the accused attempted to intoxicate her with alcohol, by intimidating her at the point of a knife and assaulting her with his hand. Thereafter, the accused had sexual intercourse with her. The victim became unconscious. After getting up at 05:00 a.m. in the morning, she fled away from the house of the accused. In the statement of the victim, recorded by the Magistrate, the victim echoed somewhat in an identical manner. She stated therein that the accused intoxicated her with alcohol, by pressing her throat, whereafter he had sexual intercourse with her. She felt unconscious. She regained her consciousness at 05:00 a.m. and she fled away from the house of the accused.
6. Though, it appears from the medical evidence that there was no penetration, but the sexual assault itself is a serious offence. No reason is forthcoming as to why the accused would be sought to be implicated falsely. Considering the gravity of the crime, the accused does not deserve to be enlarged on bail, due to which, I proceed to pass the following order.

### **ORDER**

The application is hereby rejected.

Date: 06/09/2024  
Place: Malegaon

( S.U. Baghele)  
Special Judge, Malegaon.