

MHPA010001062025



Spl.POCSO Case No.5/2025

Gajanan s/o. Maroti Aadbal

.. Applicant

V/s.

1) The State through P.S. Tadkalas,
Tq. Purna, Dist. Parbhani (CR No.215/2024)

2) Gangadhar s/o. Datta Aadbal

..Respondents

Order below Exh.8

(Passed on this 14th February, 2025)

1- Applicant is seeking the relief of **regular bail** for offence punishable u/Sections 137(2), 64(2)(M)(F), 323 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO). This is the successive bail application after filing of charge-sheet.

2- The F.I.R. was lodged on 13/10/2024 by the complainant-victim's father alleging that victim is his daughter who is 14 years old girl and is studying in 9th standard. On December 10, 2024, while he was in the field of Giri at Nila harvesting crops, his wife, son, and the victim (daughter) were at home. Around 1:30 p.m., his son called him

to inform that the victim had gone for a Devdarshan and had not returned. He and his son then began searching for her in nearby areas and asking relatives and friends, but they were unable to locate her. Later he came to know that accused had kidnapped her with ill-intention. Consequently, he lodged a report against the applicant, leading to the registration of crime. During investigation, it revealed that applicant took her to Pune at his relatives house and committed rape on her. The applicant was arrested on 15/10/2024 and has been in custody since then.

3- Ld.Counsel Shri D.B.Ghule appearing on behalf of the Applicant has argued that the incident took place at Pune and the offence was registered on 13/10/2024. Therefore, there is a delay of one day in lodging the report. Police have filed Charge sheet. The perusal of charge-sheet shows that the applicant is framed in false case. The applicant was arrested on 15/10/2024 and still he is in custody. The victim and her parents have given contrary statements to the Police. The applicant has no any criminal antecedents and he is ready to abide by the terms and conditions imposed by the Court. Applicant therefore prayed for grant of bail.

4- The Ld. A.P.P Shri A.N.Giram appearing for the State has strongly opposed the application on the ground that offence is cognizable, non-bailable and serious in nature. The Victim is minor. The applicant has kidnapped the victim from the lawful custody of her parents without their consent. If the Applicant is released on bail he may tamper with prosecution evidence and may commit similar type of offence. Hence, she prayed for rejection of the application.

5- The Victim has filed her say at Exh.10 and strongly opposed the application on similar grounds and prayed to reject the application.

6- After considering the arguments presented by both sides and thoroughly examining the case records, it is evident that the victim is a 14-year-old minor, while the accused is a 23-year-old male. The victim has provided two conflicting statements to the police—initially alleging that she was forcibly taken to Pune by the accused, but later stating that she had accompanied the accused voluntarily. Furthermore, her parents have confirmed that the victim returned home of her own accord. Taking into account these circumstances, the period of detention, the established legal principle that bail is the rule and jail is the exception, and the fact that the charge sheet has already been filed, I find it appropriate to grant bail. Accordingly, the following order is passed:

ORDER

1- Application is hereby allowed.

2- **Applicant – Gajanan s/o. Maroti Aadbal** shall be released on bail on executing personal bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount, on following conditions:

a- Applicant shall not act in the manner injurious to the interest of the prosecution.

b- Applicant shall maintain law and order and shall not pressurize the Informant and tamper with evidence in any manner.

c- Applicant shall furnish the address of his residence, copy of Pan or Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3- Soft-copy of this Order be sent to the Applicant through concerned Jail Superintendent.

4- Inform concerned police-station accordingly.

(Dictated and pronounced in open Court.)

Date: 14.02.2025

(**Smt. S.S. Nair**)
Addl. Sessions Judge,
Parbhani.