

**Spl.C. (POCSO) No. 54/2025**

State of Maharashtra	... <u>Prosecution</u>
<u>Versus</u>	
Santosh Ashok Thenge	... <u>Accused</u>

ORDER BELOW EXHIBIT- 15

(Passed on 25/06/2025)

1] By this application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (Sec.439 of the Code of Criminal Procedure, 1973) the applicant/accused is seeking regular bail, who was arrested on 15/03/2025 in connection with C.R. No.103/2025 registered with Nanalpeth Police Station for the offence punishable under Sections 64, 65(1) and 351 of the Bharatiya Nyaya Sanhita, 2023 (in short “BNS”) and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012 (in short “POCSO Act”).

2] Heard Ld. Counsel for accused and Ld. PP for the Prosecution.

3] The Ld. Counsel for the applicant submitted that, the accused is falsely implicated. He contended that it was the victim-girl herself who initiated talking with the accused on mobile. He further contended that as per the report the offence of sexual assault occurred at 08:00 p.m.

in the construction sight and at about 10:00 p.m. she was at home and disclosed the incident to her family members. He further contended that in fact the statement of witnesses contradict that the victim immediate went to home and the witnesses stated that she went in orphanage. He further contended that even medical evidence is also contrary and different history of offence is narrated. He also contended that the first bail application was rejected as investigation was in progress and now the investigation is completed and charge-sheet is submitted in the Court and further custody of the accused is not necessary. He further contended that the accused is young aged person and he is ready to abide by any stringent condition imposed by the Court and prayed for release him on bail.

4] Per contra, Ld. P.P. by filing say at Exh.15A opposed the application submitting that, the offence is serious in respect of minor victim-girl. He also contended that the first bail application was rejected just prior to 8 days and therefore, there is no change in the circumstances. He further contended that if the accused is released on bail, he will tamper the witnesses and will not available for the trial and prayed for rejection of the application. The victim-girl and her family members by filing their affidavit opposed the bail application with the fear of threat to life of the victim-girl.

5] Upon hearing and perusal of the charge-sheet, it appears that, the report was lodged at the instance of victim-girl aged about 15 years. The FIR reveals that the victim got acquainted with the accused and have conversation with the accused on phone. It also reveals that on 14/03/2025 at about 08:00 p.m. the informant called the accused, and he called her to meet him at the construction sight. The FIR reveals that at the construction sight the accused was alone and he took the victim-girl in one room and committed penetrative sexual assault upon her. The FIR also reveals that at about 10:00 p.m. Victim-girl had been to her house and disclosed the incident to her grand-parents and parents and lodged the report to Nanalpeth Police Station on 15/03/2025. The FIR itself reveals about prompt lodging of report by the victim-girl which *prima facie* support the allegation in the report. Though Ld. counsel for applicant/ accused submitted that there is disparity between the statement of witnesses and medical evidence, however, same is required to consider at the time of trial. *Prima facie* there appears involvement of accused in serious offence against the minor victim-girl.

6] The Ld. counsel for the applicant/ accused in support of his submission contended that further custody of the accused is not necessary and placed reliance on judgment in case of **Satyam Ramchandra Fulore Vs. The State of Maharashtra, 2015 ALL MR (Cri) 2785, Vishal**

Subhash Bobade Vs. The State of Maharashtra & Anr. in Bail Application No.465/2024 decided on 03/05/2024 by the Hon'ble High Court Bench At Aurangabad and Anirudha Radheshyam Yadav Vs. The State of Maharashtra in Criminal Bail Application No.2632/2019 decided on 09/01/2020 by the Hon'ble High Court of Bombay. However, the facts of said cases are not identical as to the facts of case in hand. Further, the charge against the accused is framed on 18/06/2025 and as such the matter is ready for trial. Therefore, in the facts of the case no case made out to release the accused on bail. Hence, I pass the following order:-

<u>:- ORDER :-</u>	
1]	The application is rejected.
2]	Communicate this order to the Superintendent of Jail by E-mail.

Place : Parbhani
Date : 25/06/2025.

(Ms. U.M. Nandeshwar)
Session Judge, Parbhani
Judge Code – MH02331.

<u>CERTIFICATE</u>		
I affirm that, the contents of this P.D.F file Order are same, word to word, as per the original order.		
Name of Stenographer		S.S.Shirale, Steno Gr-1
Court		Sessions Court, Parbhani
Date of order		25/06/2025
Order signed by the Presiding Officer on		25/06/2025
Order uploaded on		25/06/2025