



**Special Case No. 781/2024**  
(CNR No. : MHPU01-009882-2024)

**State of Maharashtra**  
**Vs.**  
**Sandip Gaud**

**ORDER BELOW EXH. 3**

1. This is an application for regular bail filed by the applicant/accused under Section **483** of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with Crime No. **185/2021**, registered with Police Station, Sinhgadroad, Pune for the offence punishable under Sections 363, 376, 376(2)(f), 376(2)(n), 417 of the Indian Penal Code (In short referred to as “*IPC*”) and Sections 3, 4, 5, 6, 7, 8 of the Protection of Children from Sexual Offences Act (In short referred to as “*POCSO Act*”).

2. The prosecution has filed say and opposed this bail application. The victim has filed say and she has no objection to release the accused on bail.

3. Heard learned advocate for the applicant/accused and Spl.PP for the State. Perused application, say filed by the Prosecution and police papers.

4. It is argued by learned advocate for the applicant/accused that, victim is 11 years old and accused is 22 years old. Accused is in custody since 25/04/2024. Accused and victim are relative. There was love affair between them. Accused and victim went to Bombay and stayed there for one month. Now the victim has given no objection to release the accused on bail. Therefore, there is no criminal antecedent against the accused. Investigation

completed, charge sheet is filed. Accused is ready to abide terms and conditions of the Court and prayed for grant of bail.

5. The learned Spl.PP has submitted that, victim is only 11 years, 8 months. Her statement recorded under Section 164 of Cr.P.C. and history given to medical officer is supported to the prosecution story. Accused has committed forcible sexual relation with the victim. Therefore, considering the age of victim, accused should not be released on bail.

6. It seems that, victim is 11 years, 8 months old. Accused is resident of Kajri Choraha, Thana Navatnava, Tal. Lachmipur, Dist. Maharajganj, State Uttar Pradesh. Therefore, there is every possibility of fleeing away the accused. Age of victim is below 12 years. Offence is very much serious. So far as the no objection to release the accused given by victim is concerned, it is not material and it is nothing but tampering with the prosecution witness. Therefore, considering serious nature, prescribed punishment and gravity of the offence, age of the victim, residence of the accused, I am of the view that, accused is not entitled for grant of bail. Hence I proceed to pass following order.

**ORDER**

1. The application (Exh.3) is rejected.
2. The bail application (Exh.3) is accordingly disposed of.

Pune.  
Date : 16/11/2024.

**[ Kavita D. Shirbhate ]**  
Special Judge (under POCSO Act) &  
Additional Sessions Judge, Pune

**CERTIFICATE**

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Steno :- **Shri. D. L. Gudde**  
Stenographer (Grade-I)

Name of the Court :- **Smt. Kavita D. Shirbhate**  
Special Judge &  
District Judge- 9 &  
Additional Sessions Judge, Pune.

Date of Order :- 16/11/2024

Order checked & signed  
by presiding officer on :- 16/11/2024

Order uploaded on :- 16/11/2024