



Special Case No. 38/2025
(CNR No. : MHPU01-020437-2025)

State of Maharashtra
Vs.
Umesh Rajguru

ORDER BELOW EXH. 8

1. This is second application for regular bail filed by the applicant/accused **Umesh Shivaji Rajguru** under Section **483** of the Bharatiya Nagrik Suraksha Sanhita, 2023 in connection with Crime No. **441/2024**, registered with Police Station, Sangvi, Pune for the offence punishable under Section 376(3) of the Indian Penal Code (In short referred to as “*IPC*”) and Section 4 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 filed say on record and strongly resisted this application.
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 the learned advocate for the applicant/accused that, victim is 13 years. Accused is 18 years old. They got acquainted on Snapchat. On 28/03/2024 accused called her for his birthday in the room of his friend. Then accused came on motorcycle and taken victim in the room of his friend and there he committed forcible sexual relation with her in spite of her resistance. He had threatened her not to disclose about the incident. Due to fear she did not disclose the incident to anybody.

However, she was mentally disturbed, her father observed this fact and made inquiry with her. Then report was lodged at police station.

5. The learned advocate for accused submitted that, alleged incident took place on 28/03/2024. FIR lodged on 25/10/2024. There is delay of 7 months. There is no explanation of delay. Investigation is completed. Charge-sheet is filed. There is contradiction in the statement of victim recorded under Section 180 and 183 of BNSS. Accused is ready to abide terms and conditions of the Court and prayed for grant of bail.

6. The learned Spl.PP. strongly opposed this application and submitted that, offence is serious. Victim is only 13 years old. There is only one episode in this matter. The victim due to fear and puzzle condition could not disclose about the incident. Therefore, there is delay in lodging FIR and it is explained in her statement. Therefore, considering the age of victim, accused should not be released on bail.

7. It seems that, victim is only 13 years old. Accused called her by misguiding and committed sexual relation with her. So far as delay in lodging FIR is concerned it will be decided on merit at the time of trial. The learned Spl.PP. submitted that, delay is explained in the statement of victim. Medical papers and history given to medical officer are supportive to the prosecution story. Offence is serious. This is second bail application after filing charge-sheet. First bail application is decided on merit. There is no change in circumstances. The victim by filing say on bail application strongly opposed this application. Therefore,

considering serious nature of offence and age of victim, I hold that, accused is not entitled for grant of bail and I proceed to pass the following order.

ORDER

1. The application (Exh.8) is rejected.
2. The bail application is accordingly disposed of.

Pune.
Date : 22/07/2025.

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

