



State of Maharashtra
Vs.
Rushikesh Santosh Mane

ORDER BELOW EXH.4

This application is filed by accused-Rushikesh Santosh Mane after filing of charge-sheet in the matter, to release him on regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS'), in Crime No. 67/2025, registered at Malegaon Police Station, for the offences punishable under Sections 65(1), 74, 76, 333, 115(2), 351(2), 351(3) of the Bhartiya Nyaya Sanhita (for short 'BNS'), and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

2. Heard Ld. Advocate for accused, learned A.P.P. for State and Ld. Advocate for complainant. Perused the charge-sheet and material placed with it.

3. In this case, complainant-victim aged 15 years, 3 months mentioning her date of birth being 11.12.2009, lodged a report at Malegaon Police Station on 25.03.2025, in presence of her mother that she appeared for 10th standard examination and was staying at home. Her mother was working in a company at Baramati MIDC. They all were acquainted with accused as he was having a chicken shop. In the month of January 2025, when she had been to said shop of accused to buy chicken, accused told her that he liked her very much and asked her mobile number proposing her for relationship. Then complainant-victim slapped accused saying that she was only 15 years of age and accused was

older than her. She did not tell the incident to anyone. After two-three days of the said incident, accused came to her house when she was alone. He apologized her and left. On 18.03.2025, at about 03.30 p.m., as one person died in a lane in neighbourhood of victim, people residing therein had gone to funeral. Informant-victim had been to bring material from stationary shop by locking the house, forgetting her watch at home. So, she again returned. When she opened the lock and entered in home, one unknown person came in with handkerchief wrapped to his face, and grabbed her from her back with both hands. He made her fall down, laid on her body, pressed her chest, and then attempted to remove her clothes. Complainant-victim saw tattoo by name 'Rushi' in English on his right hand. While he was forcing himself on victim, she hit a pot on his head and escaped from his clutches by running out of the house. Then she left for village *Natepute* from Baramati to the house of her maternal uncle by duly informing him. Her maternal uncle called her mother to his house. Victim narrated the incident to them. As victim was not sure about the person and was thinking that no one would believe her, she and her mother decided to leave the room at the place of residence. On 20.03.2025, they returned to house and were searching for another room. On 23.03.2025 at about 7.00 p.m., while she was returning after fetching water from one Banker's water plant, she noticed about missing of money returned by Bankar. At about 7.30 p.m., while she was searching money, a person came in front of Primary School again with handkerchief tied to his mouth and grabbed her from her back. He put his hand on her mouth and dragged her into the bushes on the roadside. Then he pushed her down, pressed her chest and tried to remove her clothes. He further put his hand in her short and put

finger in her private part. When complainant-victim was resisting him, he beat her. In the scuffle, he tore her top. When she removed his handkerchief, she identified him being the present accused. Then accused threatened her that she had rejected him and slapped him, so he would not spare her. He further uttered that he was about to rape her previously in her house, and then, again attempted to force himself on her. Complainant resisted, pushed accused and ran away from there. Looking to her torn top clothing, her mother asked her what happened. Complainant was very afraid. She started crying and then told her mother the incident so occurred. On such report, investigation commenced and accused was arrested. After duly making investigation, charge-sheet is filed against the accused for aforementioned offences.

4. Ld. advocate for the accused submitted that this is a first regular bail application filed by the accused, in which, the incidents are falsely alleged against him. The incident dated 18.03.2025 does not disclose the identify of the person assaulting the victim. In the next incident dated 23.03.2025, the name of accused is falsely uttered. No report of the alleged incident dated January, 2025 is filed. Incident dated 23.03.2025 does not disclose the allegations of any penetrative sexual assault, and only allegations of fingering are made against the accused. The said incident is doubtful inasmuch as the spot is from the public place and no witness is there to the incident. Complainant alleged that there was death in the neighbourhood, in respect of which, there is no evidence that there was no one at or near the house of complainant. Statement of PW 'N' lady is recorded on 28.03.2025 that on 23.03.2025, victim had been to her home and asked for a mobile to call her relative, and talked thereon by going to some

distance, and not disclosed the incident to PW 'N'. He submitted that it appears strange as to how the incident was not told to PW 'N'. Thus, from the conduct of victim and no corroborative evidence thereto, falsity of the incident shall be inferred. Medical report does not show any mark of assault on the private part of complainant, as she alleged a forcible act on the part of accused in outraging the modesty and assault on complainant. He submitted that accused has no criminal antecedents. The charge-sheet is filed. Accused is in custody since 25.03.2025, which is not required further. Accused is having a wife who is pregnant, and he is the sole earning member of family. Therefore, Ld. Advocate for accused submitted to release the accused on bail subject to conditions.

5. Ld. A.P.P. for State submitted that offence alleged against the accused is of serious nature, being under Sections 4 and 8 of POCSO Act of making sexual assault on victim, in which, fingering was made and said provisions are attracted. There is evidence of victim herself alongwith other evidence on record to show that the accused has repeatedly assaulted her by following her, and then made the act of sexual assault lastly on 23.03.2025, in respect of which, the report is lodged on 25.03.2025 by mentioning circumstances regarding no support to her, residing with her mother and two siblings only. She has left the place near the place of accused due to pressure of accused, still he has committed the offence which shows that even if he is released, he would repeat the act and there is likelihood of commission of further offence. Evidence of complainant is sufficient to constitute offence on *prima facie* material. He submitted to reject the application.

6. Complainant-victim with mother appeared on notice alongwith Ld. Advocate. Her mother filed affidavit at Exh.8, stating the facts in the report and statement made by her to police. She stated that she has no support of anyone. Victim has not filed complaint immediately, as they fear of killing at the hands of accused. Accused is habitual offender and there is danger to lives of complainant and herself from accused. He may pressurize them and witnesses. He was also pressurizing them to withdraw complaint. Therefore, she submitted to reject the application. Ld. Advocate for complainant submitted that the offence alleged against the accused is punishable for imprisonment for not less than 20 years, which is committed against victim aged 15 years, being not an age of understanding. Accused committed the act of sexual assault and outraging her modesty by following her and three incidents have occurred, out of which, in the last incident dated 23.03.2025, there was penetration of finger in her private part by accused. Victim slapped the accused after identifying him and made her escape. Her top was torn. It is specifically reported that after support given by relatives, report came to be filed. The victim and her family members are frightened. Their reputation was at stake. The victim is in 10th class. Her life as well as education will be badly affected if accused is released on bail, who may commit similar offence and may threaten, pressurize or dissuade complainant and her relatives. Thus, Ld. Advocate for complainant submitted to reject the application.

7. Perusal of contents of charge-sheet and material placed with it *prima facie* discloses that victim was aged 15 years at the time of offence, in which three incidents are reported being of January 2025, when accused asked her to be in relationship

inspite of being married; outraging her modesty on 18.03.2025 at 3.30 p.m. by hiding his identity with scarf when his name Rushi was revealed to victim; and lastly on 23.03.2025, when accused made the victim to fall down by pulling her in shrubs, pressed her breast and put his finger in her private part. When the victim was resisting his acts, and identified him to be the present accused, who again had wrapped cloth on his face. The victim states to have made her escape, however, accused threatened her. Thus, this is a case of outraging the modesty of victim as well as fingering in her private part, as contemplated by the provisions of law invoked against accused under BNS and POCSO Act. Ld. Advocate for accused alleged falsity of the charges brought against accused asking the Court to disbelieve the only version of victim not corroborated by any other evidence, as submitted by him. It is to be noted here that the victim is aged 15 years, who was repeatedly assaulted. She is stated to have been staying with her mother and two siblings. The report was stated to have been lodged on 25.03.2025 with support of relatives, as victim and her mother were afraid of their life, which the mother has reiterated in her affidavit at Exh.8 opposing the application. Victim present in the Court on notice also stated to reject the application as accused at large would commit any offence against her and her family members, who have no support. In the Medico Legal Examination Report of sexual violence, victim has stated regarding the sexual assault, and the Medical Officer noted multiple contusions of varying size from 2 c.m. x 0.5 c.m. to 6 c.m. x 1.5 c.m. over a surface area of 10 cm² over left side of neck, reddish-blue in color.

8. Therefore, in view of the above discussion, looking to the nature and punishment provided for offence being under the

provisions of BNS and POCSO Act of sexual assault on the victim forcibly by accused, repetition thereof, *prima facie* evidence and material brought against accused, likelihood of commission of another offence and threatening victim and witnesses, no case is made out to release the accused on bail. Hence, the following order:

ORDER

Application is hereby rejected.

Date :- 19.06.2025

(V. C. Barde)
Special Judge,
Baramati.

CERTIFICATE

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

Name of Stenographer : V.B.Lalsangi
Stenographer (G-1)

Court Name : V. C. Barde
Special Judge,
Baramati, Dist. Pune.

Date of Order : 19.06.2025

Order signed by
Presiding Officer : 19.06.2025

Order uploaded on : 19.06.2025