

**SPECIAL CASE NO. 96/2025****State of Maharashtra****Vs.****Rushikesh Santosh Mane****ORDER BELOW EXH.12**

This second 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, Ld. Advocate for complainant, victim and her mother in-person. Perused the charge-sheet and material placed with it.

3. Facts of the case as alleged in the charge-sheet are that on 25.03.2025, complainant-victim aged 15 years, 3 months, lodged a report at Malegaon Police Station, 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 disclose incident to anyone. After two-three days of the said incident, accused came to her house when she was alone, 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. After turning back home, 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. 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. Her mother asked her about torn top. 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. In the submission of Ld. advocate for the accused, the earlier bail application moved by the accused was rejected on the ground that there was chance of repetition of offence and tampering victim and witnesses. However, the present application is filed on the ground that there was misunderstanding of complainant, and that after filing of this application, complainant appeared and submitted her no objection to release the accused. He submitted that affidavit of mother of victim would show that victim has gone out of the town of spot for education and there is no likelihood of pressurising victim and witnesses. Thus, Ld. Advocate submitted that in view of the said subsequent circumstance and additional ground available to the accused, the present application is made to release the accused.

5. Per contra, Ld. A.P.P. for State submitted that after rejection of earlier bail application of the accused, no new ground is made out. He submitted that though the complainant-victim and her mother have not objected to release the accused, the evidence collected as per charge-sheet is such as not to release the accused on bail. He submitted to reject the application.

6. Victim and her mother appeared on notice. Victim filed her say at Exh. 15, stating that she has no objection to release the accused on bail. Mother of victim has filed affidavit at Exh.16 that she and victim have shifted to another place for victim's education, and that after filing of report, they were not pressurised by anyone, and they have no apprehension of pressurising or influencing from accused. She stated that she has no objection to release the accused. Ld. Advocate appearing for victim and her mother submitted that at the time when earlier application was decided, there was apprehension of tampering their evidence, however, the victim and her mother have shifted to another place for education, and they are satisfied now that there would be no tampering of their evidence, and that they have no objection to release the accused. She submitted that there is no pressure on the victim and her mother for submitting no objection to release the accused.

7. In the bail application, accused has again raised the grounds which are already decided while rejecting his earlier bail application on 19.06.2025, regarding false implication on report of victim, and that there is no *prima facie* case with evidence and material brought against accused. Therefore, the bail application

only as regards the ground as to apprehension of tampering of evidence not being there, need only be considered. The last bail application moved by accused was objected by the victim, which came to be rejected observing that there is likelihood of commission of another offence and threatening the victim and witnesses. However, on notice, the victim appeared with her guardian-mother. Victim filed her say at Exh.15, stating that she has no objection to release the accused on bail. So also, her mother filed affidavit at Exh.16 stating that she and victim have shifted to another town for education, and since the offence, there was no pressure by anyone from the side of accused, and that they have no apprehension of pressurising them by accused. She has stated that she has no objection to release the accused on bail. When appeared before the Court, the victim as well as her mother have stated that they have filed the say of victim and affidavit of her mother without any pressure, influence or promise, and that accused may be released on the present application. If such is the case of victim and her mother submitting to the Court to release the accused, and the facts of the case are seen, offence alleged against the accused is under Section 4 and 8 of POCSO Act relating to fingering and outraging modesty of victim. He is in custody since arrest on 25.03.2025. No allegations of tampering are made against him through anyone, and after appearance of victim and her mother, they state to release the accused stating no apprehension of tampering. Therefore, as the charge-sheet is filed and the possibility of tampering is not there, still certain requisite conditions shall be imposed on the accused while releasing, *inter alia* not to approach victim-complainant and witnesses where they

reside, through himself or anyone on his behalf; to attend police station periodically, and not to tamper witnesses in any manner. Hence, the following order:

ORDER

1. Application is hereby allowed.
2. The applicant/accused-Rushikesh Santosh Mane shall be released on regular bail in Crime No. 67/2025, of Malegaon Police Station, on his executing Personal Bond in the sum of Rs.50,000/- and a Solvent Surety in the like sum.
3. The Applicant/accused shall not enter in the village/place where victim is residing with her parent, and further, place of education of victim, or wherever she may go and stay, till conclusion of trial.
4. The applicant/accused shall attend Malegaon Police Station on 15th day of each month hereafter, till conclusion of trial.
5. The applicant/accused himself or through anyone on his behalf, shall not threaten, pressurize or dissuade complainant-victim, her mother and any other prosecution witnesses directly or indirectly, and shall not tamper evidence.
6. The applicant/accused shall produce identity proof alongwith his contact numbers, and numbers of those persons who shall be approached in case the accused is found unavailable.
7. The applicant/accused shall not commit any offence during period of release.
8. Breach of any condition would result in cancellation of bail so granted.

Date :- 08.07.2025

(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 : 08.07.2025

Order signed by
Presiding Officer : 08.07.2025

Order uploaded on : 08.07.2025