

Special Case (POCSO)No.301/2025

MHPU330025992025 	State Vs. Ekmath Dongare and others
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ORDER BELOW EXH. 5

(Passed on this 22nd December, 2025)

1- The applicant Adinath Santosh Godse is seeking bail in connection with C.R. No.298/2025 of Otur police station for the offences punishable under Section 64, 64(2)(f), 64(2)(m), 65(1), 351(2), 351(3) of the Bhartiya Nyaya Sanhita (in short 'BNS') and Sections 4, 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (in short 'POCSO').

2- The FIR was lodged by the victim on 26/09/2025 alleging that she resides with her parents and brother. She was repeatedly sexually abused by her father and his friends. The victim, being frustrated by the behaviour of her father, left the house and stayed with her friend. Thereafter, at Alephata she met an unknown women namely Manisha Kurkute. She stayed at her house. After two days, Manisha told her that she knows the applicant and she will perform her marriage with him. After marriage, applicant had intercourse with the victim. The victim subsequently learnt that there was some financial transaction between her father, Manisha Kurkute and the applicant for her marriage with the applicant. Therefore, he has been arrayed as

accused in this case after the supplementary statement of the informant was recorded on 06/10/2025.

3- Heard Ld. Advocate for the applicant and the Ld. A.P.P. Perused the charge-sheet and the reply of the prosecution.

4- The Ld. Advocate for the applicant submitted that the applicant came to be arrested on 09/11/2025. He submitted that the applicant is not named in the FIR and was made accused only after the supplementary statement of the victim was recorded. He submitted that the accused is aged only 19 years. As per the Ld. Advocate, the prosecution story is unbelievable. He further submitted that the applicant and the victim were staying as husband and wife till his arrest. The victim has not mentioned the reason for leaving the house of the applicant. The applicant had no knowledge about the minority of the victim. The Ld. Advocate has relied upon the case of **Pavnesh Kumar Vs. State of U.P. AIR Online 2019 All 230**.

5- Per contra, Ld. A.P.P. submitted that there were around 5 to 6 episodes of sexual assault on the victim by the applicant. The offences alleged are very serious. The father of the victim is also involved in the present crime and prima facie it appears that the child was sexually abused by several men. The consent of the victim is immaterial. He therefore, submitted that the application be rejected.

6- The age of the victim in the present case, at the relevant time, was 13 years. The fact of marriage with the victim is not denied by the applicant at this stage. The applicant claims to be married with the victim and was staying as husband and wife. However, the supplementary statement of the victim shows that for the marriage of the victim with the applicant, her father and Manisha Kurkute had accepted certain amounts. Considering the age of the victim, it is difficult to assume that her consent for the marriage was granted voluntarily and she was capable enough of understanding the consequences of her consent.

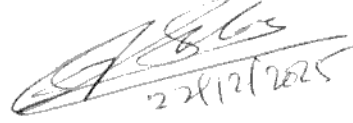
7- The Hon'ble Supreme Court in the case of **Miss X Vs. State of Jharkhand 2022 SCC Online SC 2373** has observed that once, prima facie, it appears from the material before the Court that the appellant was barely thirteen years of age on the date when the alleged offence took place, both the grounds, namely that "there was a love affair" between the appellant and the second respondent as well as the alleged refusal to marry, are circumstances which will have no bearing on the grant of bail. Applying the abovesaid settled legal position of law, considering the age of the victim, it cannot be said that she was capable of understanding the consequences of the marriage with the applicant. In such circumstances, it cannot be said that the marriage was voluntary and the applicant ~~he~~ had no knowledge about the minority of the victim. The facts of the present case show that the victim was sexually abused by her own father and

other men. Therefore, this is not a fit case to exercise discretion of bail. Hence, the following order-

ORDER

1. Application Exh. 5 for bail is rejected.
2. Inform concerned police station accordingly.

(Dictated and pronounced in open Court.)



Junnar, Pune
Dt. : 22/12/2025

(S. B. Shelar)
Additional Sessions Judge, Junnar
Tal. Junnar, Dist. Pune