

Special Case (POCSO)No.301/2025

MHPU330025992025 	State Vs. Eknath Dongare and others
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ORDER BELOW EXH. 10

(Passed on this 20th January, 2026)

1- The applicant Eknath Dongare 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 including the present applicant. 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 Shri. S S Nikam 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 30/09/2025. He submitted that there is delay of one year in reporting the alleged sexual assault by the victim. The victim has been tutored by her mother to give false statements as there are marital disputes between parents of the victim. The victim and her mother were fed up with the liquor addiction of the father of the victim and hence filed false case to get rid of him. The applicant is innocent and has not committed any offence. He is falsely implicated as he is good friend of the victim's father. The Ld. Adv submitted that the father of the victim is also facing another crime filed by the victim's mother. The applicant is 60 to 65 years old and suffering from medical ailments. Hence, he submitted that bail be granted.

5- Per contra, Ld. A.P.P. submitted that there are 2 episodes of sexual assault on the victim by the applicant. The victim was aged 13 years at the time of sexual assault on her. 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. If released on bail, the

applicant is likely to pressurize the witnesses. 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. There are specific allegations against the applicant that he committed rape on the victim on 2 separate occasions. The applicant is alleged to have raped the victim under threats when she was alone at home. The applicant has not only sexually assaulted to victim but repeated the said act. There are specific allegations against the applicant showing the involvement against the applicant. In the present case the victim was only 13 years when the offence was committed. She has been subjected the sexually assault by several persons including in her father. In such grave and serious accusations, the applicant is not entitled for bail.

7- The Hon'ble Bombay High Court in the case of Mayur Raju Wankhede Vs. State of Maharashtra [Bail Application no. 879/2025] has held that this court observes that while every accused person has a fundamental right to liberty, this right is not absolute and must be balanced against the larger interests of justice, public order, and the protection of victims, particularly when the victims are minors. The POSCO Act represents the legislative intent to provide stringent protection to children from sexual offences. Courts, as guardians of justice, have a solemn duty to ensure that this legislative objective is not defeated by a liberal approach to bail in such serious case. The Court further observes that the trauma suffered by child victims in sexual

assault cases is immense and long-lasting. The criminal justice system must be sensitive to their plight and ensure that they are not subjected to further victimization through intimidation or influence by the accused persons. Therefore, in view of specific role attributed to the applicant and considering the age of the victim, this is not a fit case to exercise discretion of bail. Hence, the following order-

ORDER

1. Application Exh. 10 for bail is rejected.
2. Inform concerned police station accordingly.

(Dictated and pronounced in open Court.)

Sd/-

Junnar, Pune
Dt. : 20/01/2026

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