

: ORDER BELOW EXH.8 IN SPECIAL CASE NO.13/2025 :
(CNR No. MHRG15-000227-2025)
(Passed on 25.04.2025)

1) The present application is filed by applicant/accused under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail, in respect of Crime No.2/2025, registered with Roha police station for the offence punishable under section 64(1), 65(2), 74, 75(1), 115(1), 117(1), 352, 351(2), 126(2), 127(2) r/w. section 3(5) of Bharatiya Nyaya Sanhita, 2023 and section 4, 6, 8 & 12 of the Protection of Children From Sexual Offences Act, 2012.

2) The applicant/accused contended that he is permanent residents of village Varse, Tal. Roha, Dist. Raigad. He had not committed any offence. False report is lodged against him.

3) He further contended that on 07.01.2025, the informant had lodged report, alleging therein that on 06.01.2025 in the night at about 8.30 a.m. the victim told her aunt that day prior to 31st December, she was plying cycle on the road. At that time the applicant called her in his house. Thereafter, he closed the door. At that time, no one was there in the house. Thereafter, he took her in the bed-room. He removed her T-shirt. She shouted. At that time, he threatened her that she will die and her mother will also die. Therefore, she got afraid and kept quiet. Thereafter, he removed her clothes and had pressed her breast as well as rolled his hands on her body. Thereafter, he told her to go home. He had done said act with her for 2-3 times. Thereafter the informant asked the victim. The victim also told above facts to her. Thereafter, they called the applicant. They asked him

about the incident. He started assaulting her husband. Therefore, they proceeded to go to police station to lodge report. At that time, the applicant alongwith co-accused followed their car. The co-accused dashed the window of their car by his fights. Thereafter, they assaulted the informant, her husband and her brother-in-law and they abused them saying that they should not lodge the report.

4) The applicant further contended that the Investigating Officer has completed the investigation. Therefore, nothing is to be recovered or discovered at his instance. He prayed that he may be released on regular bail.

5) Ld. A.P.P. filed his say at Exh.10. He contended that the applicant had committed very serious offence. He had sexually assaulted the minor victim aged about 11 years. When the informant and her family members were going to lodge the report, at that time, the applicant and co-accused have restrained them from lodging the report. They have also assaulted them. He further contended that the applicant and the witnesses reside in the same village and if the applicant is released on regular bail, there are chances that he may pressurize the witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

6) Notice was issued to informant. The informant appeared and filed her say at Exh.11. She contended that the applicant is resident of their village. He has ill-eye on them and if the applicant is released on regular bail, there are chances that he may pressurize them and there is fear to their life at the hands of applicant. She

prayed that the application be rejected.

7) Heard Ld. advocates appearing for parties.

8) On perusal of material, available on record, it appears that on 07.01.2025, the informant had lodged report, contending therein that on 06.01.2025 in the night at about 8.30 a.m. the victim told her aunt that day prior to 31st December, she was plying cycle on the road. At that time the applicant called her in his house. Thereafter, he closed the door. At that time, no one was there in the house. Thereafter, he took her in the bed-room. He removed her T-shirt. She shouted. At that time, he threatened her that she will die and her mother will also die. Therefore, she got afraid and kept quiet. Thereafter, he removed her clothes and had pressed her breast and as well as rolled his hands on her body. Thereafter, he told her to go home. He had done said act with her for 2-3 times. Thereafter the informant asked the victim. The victim also told above facts to her. Thereafter, they called the applicant. They asked him about the incident. He started assaulting her husband. Therefore, they proceeded to go to police station to lodge report. At that time, the applicant alongwith co-accused followed their car. The co-accused dashed the window of their car by his fights. Thereafter, they assaulted the informant, her husband and her brother-in-law and they abused them saying that they should not lodge the report.

9) The material shows that the victim in her statement has stated that the applicant had committed penetrative sexual assault on

her. The Medical Report of the victim shows that her hymen was torn. The cloth by which the applicant had wiped the blood of victim, has been recovered at his instance. The Investigating Officer has also collected the material stored in the mobile phone of applicant, which shows that many obscene videos were stored in the mobile phone of applicant. The offence committed by the applicant is serious in nature. He had committed penetrative sexual assault on minor victim, aged about 11 years. The applicant and victim resides in same village. Therefore, if the applicant is released on regular bail, there are chances that he may pressurize the victim and tamper the evidence of prosecution. Therefore, taking into consideration the seriousness of the offence and the chances of tampering the evidence of prosecution, in my opinion, the applicant is not entitled to be released on regular bail. Hence, I proceed to pass following order :-

: ORDER :

- 1) The application is rejected.

(Dictated and pronounced in open Court)

Mangaon.
Date : 25.04.2025.

(H. K. Bhalerao)
Special Judge, Mangaon
Dist. Raigad