



: ORDER BELOW EXH.7 IN SPECIAL CASE
NO.18/2024 :
(CNR No. MHRG15-000244-2024)
(Passed on 23.07.2024)

1) The present application is filed by applicant/accused after filing of charge-sheet for regular bail.

2) The applicant contended that he is arrested on 04.03.2024 in the present offence and since then he is behind bars. The Investigating Officer has completed the investigation and has filed charge-sheet against him.

3) He further contended that on 01.03.2024 the informant has lodged report alleging therein that on 29.02.2024 at about 9.30 a.m. she told her neighbour that her husband is receiving phone calls from Amzad Kazi. At that time the accused was standing there. In the evening at 6.30 p.m. her husband came home. Her husband told her that he is going to the house of Amzad Kazi. Thereafter, her husband at about 7.00 p.m. came home. Again at 8.30 p.m. he received phone call of Amzad Kazi. Thereafter her husband told her that he is again going to the house of Amzad Kazi. At about 9.00 p.m. her husband again came home. At that time, she alongwith mother of accused, sister of accused and one Dharmendra Singh were sitting in the courtyard, outside their house. At that time, her husband called her in the house and gave his mobile in her hand. He showed her the video. In said video it was seen that the accused has committed unnatural intercourse with her son aged about 9

years. Thereafter on 01.03.2024 they again went to the house of Amzad Kazi. Thereafter, there was meeting of the villagers, in which the accused was present. She assaulted him. Thereafter, she came to police station and lodged report.

4) He further contended that the incident came to the knowledge of informant on 29.02.2024 and the report is lodged on 01.03.2024. There is delay in lodging report. The Investigating Officer has filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his instance and prayed that he may be released on regular bail.

5) Ld. A.P.P. filed his say at Exh.9. He contended that the offence committed by the applicant is serious in nature. The applicant/accused has committed unnatural sex with minor victim aged about 9 years. The CCTV footage clearly shows that the applicant has committed said offence. The Medical Report also shows that the victim was having injuries on his private part. He further submitted that the applicant and witnesses reside in the same vicinity 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 in person and filed her say. She contended that applicant has committed unnatural intercourse with her minor

son, aged about 9 years. The applicant is influenced person and if he is released on bail, there may be fear to the life of victim as well as their life. 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 the informant had lodged report contending therein that on 29.02.2024 her husband showed her video clip in which it was seen that the applicant/accused has committed unnatural sex with her minor son, aged about 9 years. The Investigating Officer has seized DVR in which said act was recorded. The said DVR was seized in presence of panchas. The panchanama shows that the applicant is seen in said recording while committing unnatural sex with victim. The Medical Report of the victim shows that the Doctors have opined that there is evidence of attempted penetrative sexual anal intercourse.

9) The material available on record shows that the applicant has committed unnatural sexual intercourse with a minor aged about 9 years. The offence committed by the applicant is serious in nature. The material further shows that the applicant, victim and witnesses reside in the same locality. Therefore, if the applicant is released on regular bail, there are chances that he may pressurize the witnesses and tamper the evidence of prosecution. Taking into consideration the seriousness of 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 : 23.07.2024.

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