

**: ORDER BELOW EXH.4 IN SPECIAL CASE NO.47/2024 :**  
**(CNR No. MHRG15-000584-2024)**  
(Passed on 18.10.2024)

1) The present application is filed by applicant/accused under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail in respect of C.R.No.175/2024, registered at Mangaon police station, for the offence punishable under section 64(1), 64(2)(c), 62(2) of Bharatiya Nyaya Sanhita, 2023 and section 4, 5(m), 6 & 10 of the Protection of Children From Sexual Offences Act, 2012.

2) The applicant contended that he is permanent resident of Tharmari-Adivasiwadi, Post. Shirvali, Tal. Mangaon, Dist. Raigad. He has not committed any offence. He does not have any criminal antecedents.

3) He further contended that on 07.07.2024, the informant had lodged report alleging therein that on 06.07.2024 there was program of 5<sup>th</sup> day celebration of new born baby at the house of Kalu More. Therefore, all her family members had gone to said program. There in the program, the villagers were singing and dancing. At about 10.30 p.m. when the program was going on, her son got wet due to heavy rain. Therefore, she alongwith her husband and her son were going to their house to change his clothes. They came near their house, at that time, her elder daughter came from back side of her house. She was crying and shouting. Therefore, she asked her what had happened. She told that while she was attending the program, she got thirsty,

therefore for drinking water, she was coming home. When she came near house, at that time accused caught hold her hand and by keeping hand on her mouth, took her to the back side of the house. There he pressed her towards wall, removed her gown, leggings and nicker and open the chain of his pant and did something near her vagina. Due to that she had pain in the abdomen. He had pressed her mouth.

4) He further contended that the investigation officer has completed the investigation and 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.5. He contended that the offence committed by the applicant is serious in nature. The age of the victim at the time of incident was 11 years. The applicant had committed penetrative sexual assault on minor victim aged about 11 years old. He further contended that the applicant and 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 the informant. The informant has given her say at Exh.8. She contended that the victim is her daughter. The misunderstanding between her, the victim and

accused, has been resolved and their dispute has come to an end. Therefore, she does not have any objection to release the applicant/accused on regular bail.

7) Heard Ld. advocates appearing for parties.

8) On perusal of material available on record, it appears that the informant has lodged report contending therein that when she was returning home from the function, at that time, the victim came crying and shouting. She asked the victim, on which the victim told that the applicant had sexually assaulted her. The Investigating Officer has recorded the statement of victim. The victim in her statement has stated that the applicant has sexually assaulted her. The victim has also stated the same facts in her 164 statement. The Medical Report, which is on record shows that the Doctors have given opinion of forceful penetrative sexual assault upon victim. The School Leaving Certificate of victim shows her date of birth as 25.05.2013. The incident has occurred on 06.07.2024. The said fact shows that the victim was 11 years 2 months old at the time of incident. The applicant has sexually assaulted the victim below the age of 12 years. The offence committed by the applicant is serious in nature. The material further shows that the applicant while in jail has tampered the evidence of prosecution. He has gained the informant and the informant has filed her affidavit stating that she does not have any objection to release the applicant on regular bail. The applicant while in jail has influenced the witnesses. The offence

committed by the applicant is serious in nature. He has committed penetrative sexual assault on the victim, aged below 12 years. Therefore, taking into consideration all the above facts, in my opinion, the applicant/accused 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 : 18.10.2024.

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