

: ORDER BELOW EXH.3 IN SPECIAL CASE NO.50/2024 :
(CNR No. MHRG15-000612-2024)
(Passed on 17.12.2024)

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.148/2024, registered at Roha police station, for the offence punishable under sections 65(1) & 351(2) of Bharatiya Nyaya Sanhita, 2023, under section 4, 6, 8, 12 of the Protection of Children From Sexual Offences Act, 2012 and under section 3(1)(w)(i)(ii), (3)(2)(v), 3(1)(r), (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2) The applicant contended that he is resident of Rohidas Nagar, near Railway Station, Tal. Roha, Dist. Raigad. He resides there alongwith his family.

3) He further contended that on 23.07.2024 the informant had lodged report contending therein that on 18.07.2024 in the evening at about 8.00 p.m. when she alongwith her daughters were in the house, at that time applicant came in their house. He told that from last two years he is having love affair with the victim. How can she solemnize her marriage. She can tell to whomsoever and threatened her that he will kill them. No one can do anything to them.

4) He further contended that he is arrested on

23.07.2024. The Investigating Officer has interrogated him. He has filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his instance. The statement of victim shows that she was having love affair with him. He prayed that he may be released on regular bail.

5) Ld. A.P.P. filed his say at Exh.4. He contended that the offence committed by the applicant is serious in nature. The victim is 14 years old. The victim in her statement has stated that the applicant had kept sexual relations with her. The age of the applicant is 24 years. There is huge age gap between the victim and applicant. Said fact shows that the applicant had gained the victim and had sexually exploited her. He further contended that the informant and victim are ladies and there no male member in their family 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 victim on 09.12.2024 had sought time to file her say. But, till today, has not filed her say. Therefore, the application is decided without say of informant.

7) Heard Ld. advocates appearing for parties.

8) On perusal of material available on record, it appears

that on 23.07.2024 the informant had lodged report, contending therein that on 18.07.2024 in the evening at about 8.00 p.m. when she alongwith her daughters was in her house, at that time, the applicant came in their house and told that he is having love affair from last 2 years with the victim. She cannot solemnize her marriage with any other person. He also threatened to kill them.

9) The material available on record, shows that the Investigating Officer has recorded statement of victim. In her statement, the victim has stated that she is having affair with applicant. The applicant by telling her that he will perform marriage with her, on many occasions had kept sexual relations with her. The Birth Certificate of victim, which is on record, shows that the date of birth of victim is 08.01.2010. The said fact shows that the victim was 14 years old at the time of incident. The applicant is 24 years old. There is difference of 10 years between the age of applicant and victim. The said fact clearly shows that the applicant had gained the consent of minor victim and thereafter had sexually exploited her. The offence committed by the applicant is serious in nature.

10) The material further shows that the victim is not having father. The informant is residing alongwith the victim and her other daughter. Therefore, if the applicant is released on regular bail, there are chances that he may pressurized 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 :-

: O R D E R :

- 1) The application is rejected.

(Dictated and pronounced in open Court)

Mangaon.
Date : 17.12.2024.

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