



: ORDER BELOW EXH.9 IN SPECIAL CASE

NO.36/2022 :

(CNR No. MHRG15-000699-2022)

(Passed on 24.07.2024)

- 1) The present application is filed by applicant/accused for regular bail.
- 2) The applicant contended that he is permanent resident of Mangaon. Therefore there are no chances of his absconding from trial.
- 3) He further contended that on 13.09.2022 the informant had lodged Missing Report of victim. Thereafter the victim was found. The victim has given statement that the applicant had taken her and thereafter committed sexual intercourse with her.
- 4) He further contended that the Investigating 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.11. He contended that the offence committed by the applicant is serious in nature. The applicant had kidnapped the minor victim aged about 14 years. The victim is mentally ill. The applicant had also committed sexual intercourse with the victim. He further contended that 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 has filed his say at Exh.12. He contended that the applicant had kidnapped minor victim and thereafter had committed sexual assault on her and if the applicant is released on regular bail, there is fear to the victim as well as his family. He 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 13.09.2022 the informant has lodged Missing Report of the victim. Thereafter the victim was found on 16.09.2022. The statement of victim shows that the applicant has taken her to his house. Thereafter he took her to one place in the hut and there committed sexual assault on her. Thereafter on second day in his house, he had committed sexual assault on her. The applicant had committed sexual assault on victim on 12.09.2022 & 13.09.2022. The victim was found on 16.09.2022. The Medical Report of the victim shows that the Doctors have opined that hymen torn, possibility of penetrative sexual intercourse. The date of birth of victim is 06.05.2007. The said fact shows that the victim was 15 years old at the time of incident. The statement of witnesses also shows that the victim is having mental illness. The

applicant/accused had kidnapped the victim and thereafter had committed sexual assault on her. The offence committed by the applicant is serious in nature. Therefore, 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 : 24.07.2024.

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