

: ORDER BELOW EXH.3 IN SPECIAL CASE NO.61/2024 :
(CNR No. MHRG15-000753-2024)
(Passed on 01.01.2025)

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.131/2024, registered with Mahad City police station for the offence punishable under section 74, 75(1) (i), 75(2), 79 of Bharatiya Nyaya Sanhita, 2023 and section 7, 8, 11(i), 12 of the Protection of Children From Sexual Offences Act, 2012.

2) The applicant/accused contended that he is permanent resident of Ashtavinayak Apartment, Chavdar Tale, Mahad, Tal. Mahad, Dist. Raigad. He had not committed any offence.

3) He further contended that on 29.08.2024 the informant had lodged report alleging therein that on 27.08.2024 at about 5.15 p.m. the victim had gone to see Dahihandi program in Mahad city. In the evening at 7.00 p.m. she came home. She was silent. He asked her why she is silent and what had happened. She did not tell anything. On 28.08.2024 after his daughter came home from school, he again asked her. At that time, she told that on 27.08.2024 she had gone in Mahad City to see Dahihandi program. She came near Bank of Baroda and she was proceeding from old Post Office road for seeing another Dahihandi program. At that time in the evening at 6.30 p.m. near the hospital of Dr. Prabhakar Jadhav in the lane, one unknown boy was standing there. By seeing her, he removed his penis, he caught her hand and gave his penis in her hand. Thereafter, she showed the spot

of incident to him. From the description given by the victim, he came to know that said person was applicant.

4) The applicant further contended that he has been arrested on 29.08.2024 and since then he is behind bars. The Investigating Officer had completed the investigation and had filed charge-sheet against him. The said fact shows that nothing is to be recovered or discovered at his instance. The offence with which he is charged, is not punishable with death or life imprisonment. He 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 is serious in nature. The victim is minor. The applicant had sexually harassed the victim. The applicant and victim resides in same vicinity. Therefore, 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 sent to informant/victim. The informant has sent his say through the hands of police, in which he has stated that his daughter is studying in 10th standard. The applicant had sexually assaulted her. The applicant is resident of Mahad City and if the applicant is released on bail, then he may again commit similar offence with victim or pressurize her. He prayed that the application be rejected.

7) Heard Ld. advocates appearing for parties.

8) On perusal of report, it appears that on 29.08.2024 the informant had lodged report contending therein that on 27.08.2024 at about 5.15 p.m. the victim had gone to see Dahihandi program in Mahad city. In the evening at 7.00 p.m. she came home. She was silent. He asked her why she is silent and what had happened. She did not tell anything. On 28.08.2024 after his daughter came home from school, he again asked her. At that time, she told that on 27.08.2024 she had gone in Mahad City to see Dahihandi program. She came near Bank of Baroda and she was proceeding from old Post Office road for seeing another Dahihandi program. At that time in the evening at 6.30 p.m. near the hospital of Dr. Prabhakar Jadhav in the lane, one unknown boy was standing there. By seeing her, he removed his penis, he caught her hand and gave his penis in her hand. Thereafter, she showed the spot of incident to him. From the description given by the victim, he came to know that said person was applicant.

9) The material further shows that the Investigating Officer has completed the investigation and has filed charge-sheet against the applicant. The said fact shows that nothing is to be recovered or discovered at the instance of applicant. The offence with which the applicant is charge-sheeted, is not punishable with death or life imprisonment. Therefore, taking into consideration all the above facts, in my opinion, the applicant/accused can be released on regular bail by imposing appropriate conditions for his appearance at trial. Hence, I proceed to pass following order :-

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: O R D E R :

- 1) The application is allowed.
- 2) The applicant/accused **Omkar Rajanikant Ranadive** be released on regular bail in **Crime No.131/2024**, registered with **Mahad City police station** for the offence punishable under section 74, 75(1) (i), 75(2), 79 of Bharatiya Nyaya Sanhita, 2023 and section 7, 8, 11(i), 12 of the Protection of Children From Sexual Offences Act, 2012, on his executing P.B. of **Rs.25,000/-** (Rs. Twenty five thousand only), with one solvent surety in like amount.
- 3) The applicant shall not pressurize the witnesses or tamper the evidence of prosecution.
- 4) The applicant shall not enter the jurisdiction of Mahad City Police Station, Tal. Mahad, Dist. Raigad, till conclusion of trial.
- 5) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.
Date : 01.01.2025.

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