



State of Maharashtra ... Prosecution
Vs.
Prathmesh Mangesh Yadav... Accused

ORDER BELOW EXH. 2

1] This is an application filed by accused Prathmesh Mangesh Yadav under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short “BNSS”) for grant of bail.

2] I.O. has filed say to this application at Exh.3 and thereby strongly opposed the application.

3] Perused application, say thereon and documents produced on the record. Notice of this bail application was issued to informant/victim. Accordingly, mother of victim and victim appeared at the time of hearing of the bail application. Heard both sides.

4] Accused was arrested on 29/01/2025 and he was remanded in judicial custody on 04/02/2025. The accused is charge-sheeted for the offences punishable under Sections 64(2) (m), 69 of the BNS and Sections 4, 6, 8 of The Protection Of Children From Sexual Offences Act, 2012 (POCSO Act).

5] Ld. Advocate for accused submitted that allegations against the applicant are false. There was consensual sexual relation between the accused and the victim. The victim is quite mature. She was well aware about the relationship. Only at the pressure of her mother she filed complaint against the accused. Now, the charge-sheet has been filed. Investigation in all respect

is completed. Accused is 20 years old young boy. If he is not released on bail he will come in the contact with harden criminal in the jail. Applicant is ready to obey any conditions to be imposed by the Court.

6] Ld. Addl. P. P. Smt. Madhuri Thalkar submitted that though charge-sheet is filed, considering the nature and gravity of the offence it is not proper to release accused on bail. If accused is released on bail, he will pressurize the victim and other prosecution witnesses. Hence, prosecution prayed for rejection of bail.

7] Perused application, say and record of the case. It is alleged that, they were in love relationship. In the month of August 2024 accused had taken the victim from her college and they had sexual intercourse in accused's house at Vihari, Khopoli. Again in the month of September-October 2024 accused came from Alibag to meet the victim. They again had four to five time sexual intercourse in accused's house at Vihari, Khopoli. On 23/01/2025 victim informed to the accused that there was no menstruation to her for last three-four Months. Thereafter, accused had given pregnancy testing kit to victim. The pregnancy test was positive. Accused had taken the informant in Saroj Tamboli hospital, Alibag. At that time, it was revealed that the victim was pregnant for last four months. Doctor of the said hospital had taken Aadhar Card of the victim and accused. Thereafter victim returned to her home and she narrated the

incident to her mother. Thereafter, the victim was taken to police station by her mother.

8] It appears that, the victim was aged 17 years 09 months. Her date of birth 17/05/2007. Thus she is a child within the definition of Section 2(d) of the POCSO Act. The accused is aged 20 years old young boy. They were in love relationship and later have physical relations many of times in accused's house at Khopoli, which resulted into pregnancy of the victim. Though the victim is child, however she is proximate to the age of majority. The victim was in love relationship with accused for two years. The victim was studying in second year B.Sc. She has sufficient age of understanding. The investigation of the crime is over and charge-sheet is filed. The accused is behind the bar since 29/01/2025. The age of the accused is 20 years. So it is not proper to keep the accused in jail for longer time. Hence, I am inclined to grant this bail application by imposing certain conditions. Therefore, I proceed to pass following order.

:: ORDER ::

1. Application (Exh.2) is allowed.
2. Accused be released on furnishing P.B. and S.B. of Rs.50,000/-(Rupees Fifty Thousand Only) with one or two surety in like amount in Special case No.45/2025 arising out of CR.No.27/2025 in Khopoli Police Station for the offences punishable under Sections 64(2) (m), 69 of the BNS and Sections 4, 6, 8 of The

Protection Of Children From Sexual Offences
Act, 2012 (POCSO Act).

3. Accused shall not leave India without previous permission of the Court.
4. Accused shall not contact to victim or her family by any mode of communication and shall not enter premises of her residence and place of education.
5. Accused shall not directly and indirectly make any inducement, threat or promise to any person acquainted with facts and circumstances of case so as to dissuade him from disclosing such facts to the police and Court.
6. Accused shall furnish his permanent and temporary residential proof, valid e-mail ID and mobile number.
7. Accused in future, shall not commit offence of similar nature.
8. Inform the concerned police station and jail authority, accordingly.

(Application is disposed of accordingly)

Panvel,
Dated :- 07/03/2025

(S. R. Chavan)
Addl. Sessions Judge
Panvel, Dist.-Raigad