

IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL RAIGAD
ORDER BELOW EXHIBIT NO.6 IN SPECIAL POCSO CASE NO.121/2021
(Dated 17/02/2025)
CNR NO.MHRG170013412021

Applicant/accused **Ganpat @ Ganesh Ramdas Waghmare** is seeking bail in C.R.No.151/2021 registered with Khalapur Police Station for the offence p/u/sec.363, 376(2) (i), 376(2)(n), 376(3) of IPC and under section 4, 8 and 12 of POCSO Act, 2012.

2] According to prosecution the incident had occurred on 24/06/2021 at village Kharsundi, Tal.Khalapur. The mother of victim had lodged report that, victim and accused had love affair, they had physical relationship, victim remained pregnant. When this fact was surfaced, that time accused kidnapped victim. In view of this report aforesaid crime was registered by Khalapur police.

3] Heard Ld.Advocate Milka Gharat for accused. Heard Ld. APP Yerunkar.

4] On behalf of accused it is submitted that, missing report was filed by victim's mother. Victim on her own had accompanied accused for which statements recorded by police and statement of victim u/sec.164 of Cr.P. C. is relied upon. Ld.APP submits that, offence is of serious nature, accused kept physical relationship, victim remained pregnant and now she has given birth to a child.

5] The victim and her mother were issued with notice of this bail application. Khalapur police as per report dated 17/10/2024, concerned police informed that, intimation was given to victim and her mother but they are unable to remain present.

6] In back drop of these aspects I have to examine prima facie material in charge-sheet.

7] As per FIR dated 24/06/2021, mother of victim reported that, in morning victim informed that, she will take a bath and went out of house. She did not return, though searched. Hence, at about 06.30 p.m. matter was reported to police. The next material in charge-sheet is statement of mother of victim. Victim also gave her statement to police. In both these statements, common factor reflected is that, accused and victim had love affair, and out of lust there was physical relationship between them, which resulted into pregnancy of victim. If statement of victim recorded by Ld.Magistrate, Khalapur u/sec.164 of Cr. P. C. is perused, then I find that, victim and accused had love affair, as victim missed her menstrual cycle, love affair was disclosed and victim left house, went to Karjat with accused.

8] Thus, prima facie from aforesaid material, at this stage I find that, though victim is minor, she was not forcefully kidnapped from lawful guardianship. The physical relationship and outcome of it is an admitted fact. Accused is behind bar since 28/06/2021. Trial in this Court of present matter, will not be immediately possible. If all these aspects are considered cumulatively, then accused deserves to be enlarged on bail. He cannot be detain for indefinite period, more particularly, when prima facie material shows that, there was no illegal abduction as such. Needless to mention that, bail order shall be with stringent conditions. Hence, with these observations I pass following order.

ORDER

- 1] Application Exh.6 is allowed.
- 2] Applicant/accused **Ganpat @ Ganesh Ramdas Waghmare** in C.R.No.151/2021 registered with Khalapur Police Station for the offence p/u/sec. 363, 376(2)(i), 376(2)(n), 376(3) of IPC and under section 4, 8 and 12 of POCSO Act, 2012 be

released on PB and SB of Rs.30,000/-. If accused is unable to furnish surety, he is permitted to deposit Rs.30,000/- as cash security.

- 3] Applicant/accused shall attend concerned police station on every 3rd Monday of month from 11.00 a.m to 02.00 p.m. till conclusion of case.
- 4] Applicant/accused shall furnish his permanent address proof and names of his three blood relatives along with his address proof and cell numbers.
- 5] Applicant/accused shall not directly or indirectly induce or threat prosecution witnesses and evidence.
- 6] Bail before this Court.
- 7] Copy of order be sent by E-mail to concerned jail.

Panvel
Date :-17/02/2025.

(Jairaj D.Wadne)
Special POCSO Judge,
Panvel-Raigad

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer	: S.J.Sheth
Name of the Court	: Additional Sessions Judge, Panvel Raigad
Date of dictation	: 17/02/2025
Order signed by the P.O.on	: 17/02/2025
Order uploaded on	: 18/02/2025