

Order below Exh.05 in Spl Case (POCSO) No.199/2022.

The State
(Panvel Taluka Police Station)... Complainant.

Vs.

Dilip Atmaram Ughada.... Accused.

01. This is an application, filed u/s 439 of Code of Criminal Procedure, for grant of bail filed by applicant/ accused **Dilip Atmaram Ughada** in C.R.No.242/2022 of Panvel Taluka Police Station.

02. In short, the case of prosecution is as under-

Informant victim girl 15 years old lodged report with the police alleging that, she is resident of Nerul Kukshetgaon village. Due to new year, there were cricket matches and, therefore, victim went to see cricket match, where she was introduced with the accused Dilip Atmaram Ughada, resident of Sagwadi. He has shared his mobile number with the victim. She used the mobile phone, but she was not remembering his number. However, accused used to call her and they used to chat with each other. One day he called her to meet at Khandeshwar railway

station. She also went without informing anybody in the house. Accused Dilip came on motorcycle. He took her on the bike at village Walap. Then he took her to Panvel parisar and then left her after some time to Khandeshwar railway station, from where she went back to her home. After one week, again he called her at Khandeshwar railway station. When she went, he took her on motorbike to Palebudruk village. From kaccha road, he took her behind one hill under Mango tree. He parked the motorcycle, chit chatted with her and under pretext of marriage, he kept forcible sexual intercourse with her, for two times. In March 2022, he again called her at Khandeshwar railway station to meet. Then he again on motorbike took her to Palebudruk village behind the hill and again kept sexual relations with her. In the month of April her regular manse spread has stopped. Accused called her to meet in Nerul garden. When she asked him to perform marriage since her periods were stopped, but on 11/10/2022, he has shown false reason of getting abdominal pain and since then he did not meet her. She then narrated the incident to her mother. Her mother took her to Meenatai Hospital, at Nerul. Doctor checked her and informed that she is pregnant. Her mother asked who has made her pregnant. She told the name of the accused that he committed sexual intercourse repeatedly under pretext of

marriage. Hence complaint was registered and accused was arrested.

03. By filing bail application below Exh.05, it is the contention of the accused that he has not committed any offence and he has been involved in a false case. He is resident of Sagwadi, Tal.Panvel and will not go absconding. There is no independent witness for occurrence of the incident. Accused is ready to abide all the conditions of the Court. He will not hamper and tamper with the prosecution evidence. Hence, prays to release him on bail.

04. The prosecution by filing say below Exh.06, contended that offence is very serious one. Accused has committed repeated rape upon the victim of 15 years old and made her pregnant. Since she became pregnant, he did not meet her. therefore, conduct of the accused is such that he will hamper and tamper with the prosecution evidence and will pressurize the victim and her parents. Hence, preys to reject the application.

05. I have heard learned advocate Shri.Mhatre for the accused and learned APP Shri.Yerunkar for the prosecution. I have perused chargesheet, all the material documents as well as statements filed on record. Here, I may like to discuss that victim is minor girl of hardly 15 years of age, when she reported the

matter to the police on 13/10/2022, whereas present accused is 23 years old. The conduct of the accused is that he met her and then started chatting with her on phone and used to call minor girl at Khandeshwar railway station, from where he used to take her at isolated place on his motorbike. He has committed repeated rape upon the victim due to which she became pregnant. When she asked the accused to perform marriage with her since she has become pregnant, the accused left her by showing false reason of abdominal pain and since then he never met the minor girl. The minor girl narrated the story to her mother, who took her to doctor, where she was found pregnant. Thus, the conduct of 23 years boy is very bad and he used the girl and caused loss of virginity and did not care for her. Hence, he does not deserve for grant of bail. In the result, I proceed to pass the following order-

ORDER

Application of applicant/accused for grant of bail at Exh.05, is hereby rejected.

Panvel
Date- 24/03/2023

(Shaida Shaikh)
Extra Jt.District & Addl.Sessions Judge
Panvel-Raigad.