



IN THE COURT OF ADDL. SESSIONS JUDGE, PANDHARPUR
Order Below Exh. 9 in Spcl (POCSO) Case No. 63/2025.

The State of Maharashtra Vs. Prem Devkule.

CNR - MHSO050014612025

Prem Chandrakant Devkule

... Applicant/accused

Vs.

The State of Maharashtra
(Through Police Station Officer
Pandharpur City Police Station
vide C.R. No. 388/2025)

... Respondent/State

Appearance

Mr. A. D. Sangitrao, Ld. Advocate for the applicant / accused

Mr. S. S. Dulange, Ld. APP for the Respondent / State

(ORAL ORDER)

(Dictated and pronounced in the open Court)

01. This is application filed by applicant/accused for grant of regular bail u/s 483 of BNSS, for releasing him in connection of crime No. 388/2025 registered at Pandharpur City P. S. for the offence punishable under section 64(1), 64(2)(ii), 115(2), 137(2), 351(2) of BNS and section 4, 8, 12 and 17 of POCSO Act.

02. The applicant/accused submitted that, he has not committed crime. He has been falsely implicated in this case. He is permanent R/o village Khadus, Tal. Malshiras, Dist. Solapur. Charge sheet is filed against him. Nothing remained to be discovered or recovered at his instance. Applicant/accused will not abscond, if he

released on bail. He will not jump the bail or tamper prosecution witnesses. He is sole earning member of his family. He is ready to abide all the terms and conditions imposed by the Court. Hence, applicant/accused prayed for grant of regular bail in connection of crime No. 388/2025 registered at Pandharpur City P. S.

03. The Ld. APP submitted say at Exh. 10 and resisted the application on the ground that, offence is serious in nature. If bail is granted to the applicant, then he will again commit similar type of offene. The offence is punishable for imprisonment for 10 years. Offence is relating to minor victim girl. Accused had carried minor victim girl at various places and in spite of knowing that, she is minor kept physical relation with her. If bail is granted to the applicant/accused, then he will put pressure on victim and witnesses. Bad message will spread in the society if bail is granted to the accused /applicant. Lastly the Ld. APP prayed for rejection of application.

04. The I.O. filed say at Exh. 11 and resisted application on the ground that, offence is serious in nature. It is against minor victim girl. There is possibility of tampering of witnesses if bail is granted. Accused may put pressure on witnesses, if bail is granted. Hence, he prayed for rejection of bail application.

05. Notice of bail application was served to the informant. But he failed to appear and he did not file any say to the bail application.

06. Heard Ld. Advocate Shri. Sangitrao for applicant/accused and Ld. APP Shri. Dulange for state.

07. Perused contents of application and say filed by Ld. APP and I.O. By this application the applicant/accused prayed for grant of regular bail. Ld. APP and I.O. have objected this application. I have gone through the FIR. The name of applicant/accused is not mentioned in FIR. The name of applicant/accused is revealed in the course of investigation. In supplementary statement the informant has stated that, he inquired with his daughter and she disclosed that, on 10.06.2025 she received call of the accused and he called her near Ganpati temple and he took the victim at Vai, Satara and thereafter Dhotri, Tal. South Solapur at his house and they stayed there for 8 days, where the accused also beaten her. The victim also disclosed to the informant that accused took her at Pune Swargat at Lohiya Nagar Zopadpatti where they stayed for 18 days. Thereafter he took her at Parkhandi, Tal Vai, where the accused left the victim there. The accused and his parents also assaulted to the victim. The victim also disclosed to the informant that, when she was staying along with accused at village Dhotri at that time the accused forcibly repeatedly committed intercourse with her. The I.O. also recorded statement of victim, in which victim has disclosed that, on 10.06.2025 the accused made call to her and he called her near Ganpati temple. She also stated that, the accused took her at Vai, Satara and thereafter at village Dhotri, Tal. South Solapur at his house. The accused also took her at Lohiya Nagar Zopadpatti. The victim also stated that, the accused forcibly committed sexual intercourse with her repeatedly. The statement of victim under sec. 183 of BNSS is also recorded by the Ld. Magistrate and in her said statement also victim stated that, the

accused took her at Satara and he kept the victim in one cattle shed and forcibly committed intercourse with her on several occasions. When she refused to keep physical relationship, at that time the accused assaulted and abused her. In her statement the victim has stated that, the accused subjected physical and mental cruelty to her. The accused and his parents assaulted her. Thus, the victim in her statement before police and Ld. Magistrate has stated about penetrative sexual assault by the accused.

08. During the course of investigation medical examination of victim was conducted and before M.O. the victim has given history that, the accused forced her to come with him and he took her at Parkhandi Vai and his house. Multiple forceful sexual intercourse was committed by the accused. The victim also given history that, the accused used to beat her and forcibly committed physical contact with her. Thus, in all statements the victim has disclosed that, the accused forcibly committed intercourse with her. The age of the victim is 15 years. It means she is minor. Her consent is immaterial. Prima facie there is sufficient material on record in the form of charge sheet to show involvement of the applicant in said crime. He has played active role in the crime. Hence, he cannot be granted regular bail.

09. In present case, the investigation completed and charge sheet is filed against the accused. In the charge sheet there are statements of witnesses, which corroborates version of victim. The victim has disclosed the incident to her parents and accordingly the witnesses including informant in their statements have stated about the act

committed by the accused. In my view, there is sufficient material on record to show the involvement of the accused in said crime and hence, he cannot be granted regular bail.

10. In present case, the accused is charged for the offence punishable under section 64(1), 64(2)(ii), 115(2), 351(2) of BNS and section 4, 8, 12 and 17 of POCSO Act. The alleged offence is very serious in nature. The offence 64(1), 64(2)(ii) of BNS is punishable for life imprisonment. So also the offence 4, 6 of POCSO is also punishable for imprisonment for life. In my view, in such type of serious and grave offence, it is not appropriate to grant regular bail to the accused. Hence, application is liable to be rejected.

11. Ld. Advocate for accused submitted that, the victim has left her parents house and stayed with the accused and the victim was in love with the accused and had consensual encounter. Hence, he submitted that, accused is entitled for bail. In support of his submission he placed reliance on ruling of Hon'ble Bombay High Court in the case of **Vijay Chand Dubey Vs. The State of Maharashtra and Anr. in Cri. Bail Appl. No. 3899 of 2024 dated 17.02.2025**. I have gone through aforesaid ruling. There cannot be dispute about proportion laid down in aforesaid ruling. In that case, the victim left the house without informing the parents and she confessed that she was in love with the accused. In that case also the accused was in custody for more than 5 years and 2 months. However in present case, the victim before M.O. has given history that, the accused forced her to come with him and there was multiple times intercourse between them. The victim nowhere stated

that, she was in love with the accused. The facts of the reported case and facts of present case are not similar. Therefore, with due respect to the ratio laid down in aforesaid ruling, I am of the view that, aforesaid ruling is not helpful to the applicant.

12. In present case, the age of the victim in FIR is shown as 16 years. Her consent in any other way would not matter. The provisions of section 4, 6, 8 of POCSO Act are stringent in nature. In my view, as the offence is serious in nature, it is not proper to grant regular bail to the applicant/accused.

13. Considering the nature of the offence and role played by applicant/accused in crime, I am of the view that the applicant/accused is not entitled for grant of bail. Hence, I proceed to pass following order.

ORDER

- 1) Bail Application filed by applicant/accused in Spcl Case No. 63/2025 below Exh. 9 is rejected.
- 2) Order accordingly.

Date : 26.05.2026

(A. S. Salgar)
Special (POCSO) Judge, Pandharpur.

CERTIFICATE

I affirm that, the contents of this PDF file are same word to word as per the original.

01. Name of the Stenographer - Santosh Vilas Ghongade.
02. Name of the Court - Court of Dist. Judge 03,
Pandhapur.
03. Order/judgment signed by P.O. - 26.05.2026.
on
04. Order /Judgment uploaded on - 26.05.2026.