

ORDER BELOW EXH. 3

The State Vs. Dharyappa Sadashiv Jirankalgi

01. This application is for regular bail in C.R.No.320/2024 registered with Mangalwedha Police Station, for the offences p.u.s. 363, 376 (3) of the Indian Penal Code and Pu/s.4, 6, 8 and 12 of the POCSO Act.

02. In brief, facts of the prosecution case are as under -

On 26/04/2024 information of the incident is lodged by the mother of the victim. Allegations shows that present applicant/accused under the pretext of marriage, took away the victim. At that time victim was aged about 15 years and 7 months. She was studying in 10th standard. The age of accused/applicant is about 25 years. Prior to 26/04/2024 the accused committed penetrative sexual assault with the victim. On 26/04/2024 accused took away the victim. Hence the crime was registered as referred above.

03. The applicant/accused submitted that after filing the chargesheet, this is first bail application. Investigation has been completed. His further custody is not required. He is abide by terms and conditions that may be imposed. He may be released on bail.

04. APP submitted reply vide Exh.5 and strongly objected the application contending that the offence is serious. Accused/applicant is prima-facie involved in commission of serious crime. He has taken undue advantage of the minor victim and committed penetrative sexual intercourse. There is possibility of tampering of evidence and application be rejected.

05. The original informant also appeared and submitted reply and strongly objected to release the accused on bail. Further contended that there are life threats and accused cannot be released on bail.

06. Heard advocate Shri. Dandage for the accused/applicant and AGP for state.

07. Perused charge-sheet. It appears that when victim was attending the school. Applicant/accused maintained sexual relationship with victim. Prior to lodging the information also time to time he committed penetrative sexual assault. It appears that the applicant/accused took away the victim at the night time on 25/4/2024. It appears that there is prima-facie involvement of applicant/accused in commission of crime. The applicant and victim both are from same village. There is possibility of tamper of evidence. The offence is serious punishable upto life imprisonment. Considering the prima-facie involvement of the applicant/accused, he is not entitled to be released on bail and matter can be expedited. Hence, order.

ORDER :

01. The application is rejected.
02. Issue letter to jail authority for production of accused to expedite the trial.

Date : 09-10-2024

Sd/-
(S.B. Desai),
Special Judge, Pandharpur.