

*Special (POCSO) No.59/2025.
State V/s. Sagar Gansatwar.
(CNR No.MHYA010011732025)*

-: ORDER BELOW EXH.04 :-
(Delivered on this 24th Day of June 2025)

This is an application for regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in Crime No.75/2025, registered with Police Station Yavatmal Gramin, for the offences punishable under sections 137 (2), 64, 96 of the Bhartiya Nyaya Sanhita, 2023 and sections 4, 6 of the Protection of Children From Sexual Offences Act, 2012.

2. Heard Mr. R. B. Agame, the learned counsel for the applicant, and Mr. S. A. Darda, learned APP for the respondent and also heard Mr. Altaf Khan, the learned counsel for the informant. Perused the record.

3. It is submitted by the learned counsel for the applicant that the FIR is delayed by three days unreasonably. The applicant came to be falsely implicated. The victim had been to the applicant voluntarily and the relationship was consensual. Per contra, it is submitted by the learned APP that the consent of the victim is immaterial. There was repeated sexual assault. The learned counsel for the informant adopted the submissions canvassed by the learned APP. The victim gave no objection in her say.

4. As per the statement of the victim recorded by the police, she went to the applicant and thereafter, the duo had been to different places, where-after there was sexual relationship inter se them, allegedly under the promise of marriage. Charge-sheet is filed against the applicant, upon completion of investigation.

5. As the victim, who had attained the age of discretion, had been to applicant, there was no kidnapping. Moreover, the relationship appears to be consensual relationship. Considering the overall circumstances, the applicant deserves to be enlarged on bail, due to which, I proceed to pass following order;

ORDER

1. The application is hereby allowed.
2. It is hereby directed that the applicant be released on bail, on his executing P. B. of Rs. 15,000/-, with a surety in the like amount, on the following conditions;

Conditions

- (i) The applicant shall not tamper with the evidence, nor shall influence the witnesses in any manner

Date : 24/06/2025.

(S. U. Baghele)
Additional Sessions Judge,
Yavatmal.