

**IN THE COURT OF SESSIONS AT YAVATMAL**

**Spl. Case No.90/2023**  
**CNR NO.MHYA010016332023**

**State Vs. Yashwant**

**Order Below Exh.4**  
**[Passed on 31/08/2023]**

**[Dictated and Pronounced in Open Court]**

1. The present application is preferred by applicant/accused for regular bail in Crime No.285/2023, registered in Police Station Parwa, Distt. Yavatmal u/s. 363, 366, 376 (2)(n), 376(3), 354 of the Indian Penal Code and Sections 3, 4, 7 and 8 of POCSO Act on the ground that the applicant is falsely implicated in the present case, applicant having no criminal history, no evidence against the applicant, charge-sheet is filed and there is no guarantee of final adjudication of the trial in coming six months.
2. The prosecution objected the application by filing say vide Exh.5 on the ground that during investigation it reveals that applicant/accused and other accused eloped with minor girls by enticing them and committed sexual intercourse forcibly. It is further objected that the applicant/accused kidnapped/abducted her from lawful guardianship as the minor victim was acquainted with applicant/accused in the year 2021 he committed sexual intercourse firstly in Nala near the field and thereafter repeatedly committed sexual intercourse. The opponent further objected that the charge-sheet reflected involvement of applicant/accused in the alleged Crime and there is likeliness of tampering prosecution witnesses.

3. The informant also filed objection vide Exh.6 on the grounds that if the applicant/accused is released on bail there is danger to the life of victim and he may pressurize the witnesses.
4. Heard learned advocate Mr Shoyab A. Sheikh for applicant/accused and learned A. P. P. Mr C. R. Dahe, for prosecution at length.
5. On perusal of bail application, say of prosecution, charge-sheet and after considering over all submissions of both side advocates the following points arise for determination of this Court, on which the Court answer thereon with reasons as follows :

Sr. No.	Points		Findings
1.	Whether the applicant prove case for his release on bail in Crime No.285/2023, under Section 363, 366, 376 (2)(n), 376(3), 354 of the Indian Penal Code and Sections 3, 4, 7 and 8 of POCSO Act, registered by Parwa Police Station, Yavatmal ?	::	Negative
2.	What order ?	::	As per final order.

### REASONS

#### As to point No.1 :-

6. The applicant came with a case that there was love affair with the victim and victim sumoto left the home so also no sexual intercourse took place due to which victim refused for medical examination. It is further case of applicant that charge-

sheet is filed and commencement of trial is not possible without reasonable period due to which detention of applicant behind bars is not called for as the other co-accused is released on the bail vide order dated 15/06/2023.

7. On perusal of charge-sheet it is observed the FIR reflected the role of applicant accused to take victim with him from lawful custody of guardian of victim. It is also observed that the applicant came with a case of love affair between applicant and victim but denied sexual intercourse. The stand of applicant accused suggests active participation of applicant in the said alleged offence. Not only that the accused and victim found at one and same place and accused has no satisfactory explanation for the same.
8. No doubt, the applicant is behind bars since 24/05/2023 and other co-accused released on bail on 15/06/2023 but the applicant not attempted for speedy trial actively and in the present case the victim subjected for medical examination and found that she was subjected to sexual intercourse. As the victim came under influence of accused in past probability of tampering of prosecution witnesses at the hands of applicant accused in the event of his release on the bail could not be ruled out, the applicant not proved case for grant of bail as on today. So that **Court answer point No.1 in negative.**

**As to point No.2 :-**

9. As the Court concluded that accused failed to prove case for grant of bail then application deserves for dismiss in the

interest of justice. The prosecution is hereby directed to to take necessary steps for speedy trial. Hence order :

**ORDER**

The bail application Exh.4 of accused Yashwant Jambu Ade, Aged about 21 years, Occu. Labour, R/o. Jalandari, Ta. Arni, Distt. Yavatmal in Spl. Case No.90/2023, Crime No.285/2023 of Parwa Police Station, Distt. Yavatmal, is hereby rejected.

Accordingly, application is disposed off.

Dated :31/08/2023.

(S.V. Hande)  
Sessions Judge, Yavatmal.  
JO Code MH02237