

BAIL APPLICATION NO. 100 OF 2025

Versus

- Advocate for Applicant : Mr. Harshal Prakash Randhir
APP for Respondent no.1 : Mr.S.B.Narwade
Advocate for Respondent no.2 : Mr.Suniket Anil Kulkarni
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RESERVED ON : 20 MARCH, 2025
PRONOUNCED ON : 21 MARCH, 2025

ORDER :

1. Instant application is filed for grant of regular bail on account of arrest of applicant in crime no.0173 of 2024 registered at Savada Police Station, District Jalgaon for offence under Sections 70(2), 75(1)(i), 3(5) of the Bharatiya Nyaya Sanhita (BNS) and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. It is pointed out that applicant is arrested in above crime on 31-08-2024. That, applicant is young boy of 19 years of age. That, he only happens to be a friend of accused, who had love relations with victim. Learned counsel submits that, there is false implication. That, Medical evidence does not support any sexual assault or rape. That, hymen is intact. That, investigation is over. That chargesheet is already filed in October, 2024. That, when no further recovery or discovery is to be made and considering the age of applicant, learned counsel seeks enlargement on bail on any condition deem fit by this Court.

3. Learned APP strongly objected application on the ground that victim is a minor. That, there is grave offence of gang rape.

Learned counsel for respondent no.2 submitted that he has no objection for grant of bail and he places on record affidavit of mother of the victim.

4. Heard. Perused the FIR. Report is by victim herself. She gave her age as 15 years and 9 months and to be studying in a School. She reported that on 30-08-2024, after attending school, while she was waiting for Bus at 04:00 p.m. to return home, at that time, Sadik Raju Tadavi, Buntty @ Aarif Ismail Tadavi and Buntty @ Karan

Bhimrao Medhe i.e. present applicant came on Motorcycle. Sadik Tadavi offered her lift and as she was knowing him, she claims that she sat on motorcycle and he initially took her to Savada road and again suggested her to drop her to Maskavad and while taking to Maskavad, he parted the vehicle at an isolated place. She claims that at around 04:30 p.m., Bunty @ Aarif Ismail Tadavi forcibly dragged her in a field, undressed her, removed his clothes and had sexual intercourse against her wish. Then after him, she alleged that Bunty @ Karan Bhimrao Medhe i.e. present applicant had sexual intercourse with her against her wish and then, when Sadik Tadavi attempted to force himself, she claims to have resisted, but he molested her and then those three boys fled away. She claims to have taken lift from a passerby, came home and reported occurrence to her mother, who informed about it to her maternal uncle and then they approached Police and lodged report.

5. Applicant, who is arrested in August, 2024, seeks grant of bail primarily on the ground that investigation is over and secondly medical evidence is negative. However, Doctor has clearly opined that possibility of sexual assault cannot be ruled out and final opinion is reserved till receipt of CA report.

6. Learned APP, on Court query, states that CA report is not yet received. Therefore, considering the nature of allegations and when there is no final CA report received yet, this Court is not inclined to grant relief at this stage. Hence, the following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE

SPT