

MHAU010039852026



**IN THE COURT OF DISTRICT JUDGE – 7 AND
ADDITIONAL SESSIONS JUDGE,
(JUDGE, EXCLUSIVE FAST TRACK SPECIAL COURT,
AT CHHATRAPATI SAMBHAJINAGAR**

**BAIL APPLICATION NO. 1041 / 2026
(CNR No. : MHAU010039852026) IN
(C.R. NO.: 105/2026 OF SATARA POLICE STATION)**

Ashok Sitaram Wagh	]
Aged 27 Years, Occ : Labour	]
Residing at Khullod, Tq. Sillod	] ...Applicant/
Dist. Chhatrapati Sambhajinagar	] Accused

V/s.

1. The State of Maharashtra	
(At the instance of Ajintha Police Station)	]
	]
2. Grandmother of victim	] ... Respondents

Appearance:-

Ld. Advocate Shri. S.G. Laddha for applicant/accused.
Ld. APP Smt. D.K. Nagula for State.

**CORAM : ADDITIONAL SESSIONS JUDGE,
(JUDGE, EXCLUSIVE FAST TRACK
SPECIAL COURT), AURANGABAD
Shilpa S. Todkar**

Date : 13th JUNE 2026

:: ORDER ::

This bail application is filed under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short “BNSS”) in connection with Crime No. 105 of 2026 registered with Ajintha Police Station for the offences punishable under sections 137(2), 64(1), 69, 351(2) of the Bharatiya Nyaya Sanhita (in short “BNS”) and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short “POCSO Act”).

The brief facts of the prosecution case is as follows -

2. The first information report has been lodged by the informant / grandmother of the victim stating that she is residing along with her husband, two sons, grand daughter i.e. victim at the address mentioned in the first information report. His grand daughter / victim is 15 years 5 months old. On 11.05.2026, she went missing from the house. Informant alongwith other family members took search of her everywhere but she could not be found. Thus, informant lodged complaint of kidnapping against unknown person in the police station. Accordingly, first information report bearing crime No. 105 of 2026 for the offence punishable u/s. 137(2) of B.N.S. came to be registered.

3. During investigation, victim herself came to her house on 14.05.2026. When they inquired with victim, she disclosed that accused is JCB operator and since last four months, he was following her and attempting to contact to foster personal interaction with her. He had given a mobile phone to her and he

used to talk with her on said mobile phone. Prior to last two months, he called victim on phone at a tin shed adjacent to her house and forced the victim to have physical relations with him, against her will and later, established forcible physical relation with her. Thereafter, by threatening her to defame, he used to call her on phone and thereby he has established forcible physical relations with her repeatedly. Thereafter, on 11.05.2026, he told the victim on phone to elope with him by giving allurements of marriage and also he threatened to defame her, if she did not come. Accordingly, on 11.05.2026, he forcibly took the victim with him on Motorcycle and they went to Sambhajinagar but as he came to know about lodging of present complaint, he left the victim to Sillod Bus stand. Thereafter, she returned to her house and narrated the incident to her parents. On its basis, remaining offences punishable u/s. 64(1), 69, 351(2) of BNS and section 4 of the POCSO Act came to be added.

4. According to the applicant, he is permanent resident of District Chhatrapati Sambhajinagar. He has not committed any offence and he is innocent and has been falsely implicated in the present case. FIR is lodged against unknown person. Victim was more than 15 years old at the time of incident and of the age of maturity and understanding of the consequences of her acts and deeds. The victim and the applicant are having love affair and whatever physical relations between them are consensual in nature. There is no evidence of enticement. She herself left her home and she was neither abducted nor kidnapped. The applicant

is unmarried and works as labour. There is nothing to be recovered or discovered at the hands of applicant. Hence, further custody of the applicant is not warranted. Applicant was arrested on 15.05.2026 and now, he is in judicial custody.

5. The applicant is ready and willing to cooperate with the investigation. Applicant shall abide by the condition if imposed. Nothing is to be recovered from the applicant, therefore, further custody of the applicant is not required. Hence, this application.

6. Investigating officer filed reply and raised strong objection by filing say vide Exh. 6. According to them, the investigation is in progress and charge-sheet is to be filed. The offence is serious in nature and against minor. If accused released on bail there is every possibility of tampering prosecution evidence and threatening the victim and her family members. Lastly, prayed for dismissal of the application.

7. Looking to the nature of the offence, the notice has been issued to the victim. Victim and her grandmother i.e. informant have filed say at Exh. 4 and raised strong objection that accused and his family members threatened them. Accused and his family members have defamed the victim and due to which, it is impossible to them to reside in the village. Lastly, prayed to reject the application.

8. Perused the application, documents and say filed by investigating officer and grandmother of victim / informant and victim. Heard Ld. Adv for the applicant, Ld. APP for the State.

9. On perusal of first information report which shows that accused, against will of the victim, forced her to have physical relations with him. Accordingly, accused forcibly established forcible physical relations with her repeatedly. Thus, there is prima facie case against the applicant.

10. Ld. Advocate for the applicant / accused placed reliance upon the decision of Hon'ble Supreme Court of India in the case of **Vilas Shankarrao Patil Vs. the State of Maharashtra [Criminal Bail Application No. 366 of 2021]** and following decisions of Hon'ble High Court of Bombay.

(1) **Shubham Dilip Awasarmal Vs. the State of Maharashtra and Another [Bail Application No. 877 of 2025 dtd. 14.08.2025]**

(2) **Vijay Chand Dubey Vs. the State of Maharashtra and Another [Criminal Bail Application No. 3899 of 2024 dtd. 17.02.2025],**

(3) **Faizan Wahid Baig Vs. the State of Maharashtra [Bail Application No. 3372 of 2021 dtd. 15.11.2022].**

11. I have gone through all above cited cases. In the above decisions, the investigation has been completed and charge-sheet is filed. After filing of charge-sheet, the bail granted to the accused. In the present case, the investigation is in progress and yet, charge-sheet is to be filed. Hence, at this stage, those decisions are not helpful to the applicant.

12. The offence is serious in nature and against the minor. According to the victim, accused and his family members have defamed the victim and her family members and they are also threatening to defame them and if accused released on bail, there is every possibility of threatening victim and her family members. The investigation in the present crime is in progress. Charge-sheet is yet to be filed. Considering the serious nature of offence, it is necessary to conduct detailed investigation. At this stage, if applicant/accused released on bail, there is every possibility of tampering the prosecution evidence. Hence, at this stage, I am not inclined to grant bail to the accused/applicant.

13. In the result, I pass following order :

ORDER

Application for bail (Exh. 1) filed by the applicant - **Ashok Sitaram Wagh**, in connection with Crime No. 105/2026, registered at **Ajintha** Police Station for the offences punishable under section 137(2), 64(1), 69, 351(2) of the Bharatiya Nyaya Sanhita and section 4 of the Protection of Children from Sexual Offences Act, 2012, is hereby **rejected** and disposed of accordingly.

(Dictated and Pronounced in the open court)

Date : 13.06.2026

(Shilpa S. Todkar)
District Judge – 7 and
Additional Sessions Judge
(Exclusive Fast Track Special Court)
Chhatrapati Sambhajnagar

Directly dictated & typed on : 13.06.2026
Checked and Corrected on : 13.06.2026
Date of sign : 13.06.2026

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of Stenographer	: -	Sachin K. Tripure
Name of Court	: -	Additional Sessions Judge, Court No. 7 Aurangabad
Date of Decision	: -	13.06.2026
Order signed by the P.O. on	: -	13.06.2026
Order uploaded on	: -	13.06.2026