

Cri. Bail Appln. No.2767/2026
CNR No. MHTH01- 006102-2026

Birendra Ram Nagina Tiwari ...Applicant

Age- 62 years, Occ- Retired Army Services

R/At- 501, Lalita Kunj, 40 ft Road,

Mundhwa Manjari Road,

Pune-412307

V/s.

State of Maharashtra

(Through Manjari Police Station,

C.R.0063/2026)

...Prosecution

ORDER BELOW EXH.1

(Delivered on this 16th day of July 2026)

1] This is an application for bail u/s. 483 of BNS C.R.No.0063/2026 registered with Manjari Police Station against the applicant for the offences under Sec. 74, 79 of BNS and Sec. 8, 12 of The Protection of Children from Sexual Offences Act, 2012.

2] The prosecution's case in short, is as under :-

Allegations against the applicant are that on 25/05/2026 victim girl alongwith her friend were playing at that time applicant approached there and said then he will take both of them to play. He took both the child in his room he asked the friend of victim to wait outside and took the victim in the room, switched off the light, removed his trouser also removed victim pant touched her private part, hold her hand and instructed her to move his private part. When incident was notice by the complainant from the victim girl. Immediate complaint was lodged against the applicant. On the basis of allegation,

offence is registered with Manjari police station. Applicant is arrested. He is in MCR.

3] The applicant approached this court for bail on the ground of innocence and false implication.

4] The Investigating officer by filing say (Exh.5) has strongly opposed for grant of bail.

5] The notice of this application was issued to the victim. Complainant file her say at Exh.7 has strongly opposed to the application.

6] Ld. Advocate Shri. Prashant Masurkar for applicant remained absent. Considering the age of the applicant and his detention period in the jail. I heard in the Ld. A.P.P. for the state. Consider the entire record.

7] From the above following points arise for my determination and I have recorded my findings thereon for the reasons stated below :

Sr.No.	POINT	FINDINGS
1]	Whether applicant has made out prima facie case for releasing him on bail?	Yes.
2]	What order?	Application is allowed .

REASONS

8] It appears from record that the allegation against the applicant in the FIR are victim girl alongwith her friend was playing at that time applicant called both of them. He asked the friend of victim to wait outside. He took the victim in the room and inappropriately

touched her. He also asked her to move his private part. Considering the allegations those are serious in nature. However, it appears from the record that applicant is behind bar since 26.05.2026. Investigation is already completed. Charge-sheet is filed. His detention behind bar is not warranted. Apprehension expressed by the prosecution can be minimized by imposing stringent condition. Therefore, in my view, it is a fit case to release the applicant on bail by imposing stringent conditions. Hence, the following order :

ORDER

1. Bail Application No.2767/2026 is allowed .
2. Applicant / accused - Birendra Ram Nagina Tiwari, age 62 years, residing at R/At- 501, Lalita Kunj, 40 ft Road, Mundhwa Manjari Road, Pune-412307, is released on bail on furnishing PR. bond of Rs.15,000/- with one surety in like amount in C.R.No-0063/2026 registered with Manjari Police Station on following conditions :

a] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court.

b] The applicant shall no way establish any contact with the victim girl and witnesses either on telephone or any actual contact and shall not enter in the vicinity of the house of complainant till conclusion of trial.

c] The applicant shall at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Court along with documentary proof and shall keep it updated.

d] The applicant shall not commit an offence similar to the offence for which he is accused or suspected.

f] In case of breach of any of the conditions or occurrence of any single incidence with the victim girl by the applicant, prosecution is at liberty to file application for cancellation of bail.

(Dictated and pronounced in open court.)

Thane
Date –16.07.2026

(D.S.Deshmukh)
Special Judge (POCSO), Pune.

CERTIFICATE

I affirm that the contents of PDF file Judgment are same word for word as per original Judgment.

Name of Steno : S.D. Chintanpalli, Steno (Grade-III)

Court name : Shri. D. S. Deshmukh
District Judge-10 and
Additional Sessions Judge,
Shivajinagar, Pune.

Date : 16/07/2026

Order signed by : 16/07/2026
Presiding Officer on

Order uploaded on : 16/07/2026