

Order on Exhibit 3 in Spl.C.S.No.31/2026

(CNR No. MHKO0600003682026)

[Application under Section 483 of the B.N.S.S.]

Irfan Dastagir Pathan

V/s.

State of Maharashtra

(A)	CASE DETAILS	
i)	FIR number & Date	197/2026 02/06/2026
ii)	Police Station, District & State	Shirol police station, Dist.Kolhapur.
iii)	Sections invoked	U/s.64(2)(m), 69,78,351(2), 352 of the BNS and sections 8,12,17 of the POCSO Act.
iv)	Maximum punishment prescribed	Imprisonment for 10 years
(B)	CUSTODY & PROCEDURAL COMPLIANCE	
i)	Date of Arrest	02-06-2026
ii)	Date of MCR	02-06-2016
iii)	Total period of custody undergone	2 Months 9 days
(C)	STATUS OF TRIAL	
i)	Stage of proceedings (investigation/Chargesheet/C ognizance/Framing of Charges/Trial)	Framing of charge
ii)	Total number of witnesses cited in the chargesheet	15
iii)	Number of prosecution witnesses examined	N.A.
(D)	CRIMINAL ANTECEDENT	
i)	FIR No. & Police Station	Not applicable
ii)	Sections	Not applicable

iii)	Status (Pending/Acquitted Convicted)	
(E)	COERCIVE PROCESSES	
i)	Whether any Non-Bailable Warrant was issued	N.A
ii)	Whether declared a proclaimed offender	N.A.

Perused the application and say put forth by the prosecution.
Heard Ld.Advocate for the accused and Ld.APP for the State.

2] The Ld. Advocate submits that the allegations levelled against the accused are false. The prosecutrix was aged 18 years at the time of first alleged sexual intercourse therefore sections punishable under POCSO Act are not attracted. In addition, he mentions that the investigation is complete and chargesheet is filed. Hence, accused should be released on bail.

3] Ld.APP reiterated the grounds mentioned in the say.

4] From the record it appears that the prosecutrix levelled allegations of rape against the accused. She has particularly alleged that the accused promised to marry her, entered into physical relationship and later avoided the promise. Also, in the report dated 01-06-2026, the prosecutrix has specifically stated that the accused called her in cafe on 20-04-2026 on occasion of her birth day, took her at lodge and against her will established sexual intercourse. The prosecutrix has also alleged that accused threatened to publish her intimated videos and photographs and sought sexual favours from her under threats. The allegations levelled by the prosecutrix are serious and direct. The

investigating officer after investigation has opined the commission of offence as alleged by the prosecutrix. Therefore, in these circumstances the accused is not entitled to be released on bail. Hence, the application is rejected.

Jaysingpur
12/08/2026

Jagdeesh M. Dalvi
Addl. Sessions Judge, Jaysingpur