

MHKO010026232026	<u>Special (Pocso) Case No.159/2026</u> <u>Order below Exh.3</u>
	

By way of this successive bail application both the accused Dhanaji Maruti Bhosale and Sunil Sidhu Chavan are seeking relief of regular bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita. Crime No.315/2026 is registered against them and a juvenile-in-conflict with law under Sections 64(1), 64(2)(f), 64(2)(m), 74, 65(1), 65(2), 351(2) of The Bharatiya Nyaya Sanhita (corresponding to Sections 376, 354, 376(3), 376-AB and 506 I.P.C.) and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act). The grounds for bail are stated in the application.

02. The prosecution has objected to release the applicant on bail for the reasons stated in the reply.

03. The victim has also objected to release the applicant on bail.

04. Perused the application, supporting affidavit submitted by the learned advocate for the applicant, showing case details, custody and procedural compliance, status of the trial, criminal antecedents, previous bail applications and coercive processes as per directions in **Zeba Khan Vs. State of U.P. and others Criminal Appeal No.825 of 2026, arising out**

of SLP (Crl.) No. 12669 of 2025, decided by the Hon'ble Apex Court on 11-02-2026. No criminal antecedents are at discredit of both the accused.

05. Learned advocate for the applicants submitted that statement of the victim is tutored. In her statement under Section 164 of the Cr.P.C. no specific dates are mentioned. She has made general allegations. His statement before the police does not inspire confidence. There is delay of 7 years in lodging the F.I.R. Investigation in the crime is completed. Maximum punishment, which can be awarded is five years. The offence is registered against the applicants due to strain relations between the victim's father and applicant no.1. He further submitted that the investigation is completed and applicants are entitled to bail.

06. Learned A.P.P. submitted that on the date of filing of the F.I.R. the victim was of 13 years. She was alone in the house as her mother re-married. The accused took disadvantage. It is highly impossible to falsely implicate the accused at the hands of the victim due to their near relationship. If the applicants are released on bail, there is every possibility of tampering with the evidence.

07. The previous bail application was rejected for the reasons that investigation was going on. Now, the accused are chargesheeted and the chargesheet has been filed against them. Thus, the investigation is completed. It can be

considered as change in the circumstance to consider the prayer for bail.

08. After perusal of the chargesheet, it appears that charge punishable under Sections 8 and 12 of the POCSO Act alongwith contemporary charges under the Indian Penal Code are only made out against the applicants. The charge of Section 4 of the POCSO Act is not made out against them. It is made out against the juvenile in conflict with law. A separate chargesheet has been filed against him before the Juvenile Justice Board.

09. The victim is daughter of accused no.1 and accused no.2 is her paternal uncle. Accused no.1 and his wife i.e. mother of the victim have been separated from each other long back. The mother has performed another marriage. The victim is nurtured by the family of accused no.2 and accused no.1. The victim lodged the F.I.R. against the accused and the juvenile-in-conflict with law when she saw reels of her maternal aunt on the mobile of her friends. Thereafter, she contacted with her.

10. At this stage of the matter, the photographs of the victim with both the accused, showing celebration of different occasions like birthday of the victim, Ganpati festival etc. show cordial relationship between the victim and the accused. They are required to be considered

11. As stated above, the maximum punishment which can be awarded against the accused is of 5 years. Investigation in the crime is completed. The apprehension expressed by the victim's mother that accused may tamper with the evidence can be taken care of by imposing appropriate conditions. The accused have no criminal antecedents. Their presence during the trial can easily be secured. They are entitled to bail. In the result, following order is passed -

Order

- 1 Application is allowed.
- 2 Applicants be released on bail on their furnishing a personal bond in sum of Rs.25,000/- each (Rs.Twenty Five Thousand only) with the surety in the like amount.
- 3 They shall not directly or indirectly make any inducement, threat or promise to the victim and the informant and any person acquainted with the facts of the case and shall not tamper with the evidence.
- 4 They shall appear before the in-charge Police Station on every first Sunday of a month between 5 p.m. and 6 p.m. till evidence of the victim is recorded.
- 5 Applicants/accused to comply as per Chapter-I Para 12 of the Criminal Manual.

(D.V.Kashyap)

Date: 17.08.2026

Special (POCSO) Judge, Kolhapur