

MHCC020109092026



**IN THE EXCLUSIVE FAST TRACK SPECIAL COURT FOR PROTECTION
OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012,
AT FORT GR. BOMBAY**

**POCSO BAIL APPLICATION NO. 687 OF 2026
in
POCSO REMAND APPLICATION NO. 757 OF 2026**

Shivam Ashok Pakhurde

Age: 23 years. Occ: Service.

R/a: Room No.412, Pipe Line Road

No.2, Pratiksha Nagar, Sion (East),

Mumbai-400 022.

... Applicant/accused

Versus

State of Maharashtra

(Through Wadala T.T. Police Station,

Vide C.R. No.349/2026)

...Prosecution

APPEARANCES:

Mr. Ashok Bagal, Ld. Advocate for the accused.

Mrs. N.M.Mulla, Ld. SPP for the State.

CORAM : D.D.KURULKAR

**H.H.SPECIAL JUDGE, UNDER POCSO ACT
(Court Room No.18)**

DATED : 12th August, 2026

A.	Case details	
I	FIR no. & Date	349/2026 dated 22/05/2026
ii	Police Station, District, State	Wadala T.T. police station, Mumbai, Maharashtra
iii	Sections invoked	S.69 of BNS
iv	Maximum punishment prescribed	Up to 10 years

v	Sections invoked	S.4 of POCSO Act
vi	Maximum punishment prescribed	Imprisonment not less than 10 years with fine
vii	Sections invoked	S.6 of POCSO Act
viii	Maximum punishment prescribed	RI not less than 20 years with fine
ix	Sections invoked	S.8 of POCSO Act
x	Maximum punishment prescribed	Imprisonment not less than 03 years with fine
xi	Sections invoked	S.12 of POCSO Act
xii	Maximum punishment prescribed	Imprisonment which may extend to 03 years with fine
B.	Custody & Compliance	
i	Date of Arrest	22/05/2026
ii	Total of period custody undergone	2 month 21 days
C.	Status of Trial	
i	Stages of proceeding (investigation/ chargesheet/ cognizance/framing of charge/trial)	Charge-sheet filed
ii	No. of witnesses cited	---
iii	No. of witnesses examined	--
D.	Criminal Antecedents	
i	FIR no. & date & Police Station	---
ii	Sections	---
iv	Case status (pending/acquitted / convicted)	---
E.	Previous Bail Application	
i	Court	--
ii	Case no.	--
iii	Outcome	--
F.	Coercive process	
i	NBW	---
ii	Proclaimed offender - Status	---

ORDER

1. This is an application under section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, by the accused **Shivam Ashok Pakhurde** seeking his release on bail in respect of present case (C.R. No.349/2026 under Section 69 of Bhartiya Nyaya Sanhita, 2023 r/w Section 4,6,8, 12 of Protection of Children from Sexual Offences Act, 2012), registered at Wadala T.T. police station, Mumbai. The Accused was arrested on 22.05.2026 and after sufficient period of police custody, he was taken into Magisterial custody and since then he is in jail.

2. The story of the prosecution is as under :-

The victim and the accused were residing in the neighborhood in the year 2021. They are acquainted with each other. Their acquaintance turned into love. In June 2021 accused took the victim to his house and on the promise of marriage established physical relations with her inspite of her resistance. Thereafter the accused has continuously kept physical relations with the victim. When the family members of the victim came to know about the love affair they contacted the family members of the accused. Both the families were agreed for their marriage. On 27.04.2026 accused assaulted the victim and when she made complaint of that incident with the mother of the accused, she asked them not to marry if they continue to fight in such a fashion. The family members of the victim has arranged the marriage of the victim girl with another boy. However the accused has also given threat to him. Therefore he refused to marry with the victim. The maternal aunt of the victim has shown the instagram chat and the videos between her and accused. Therefore on 22.05.2026 the victim lodged report with Wadala T.T. Police Station. Thereon offence was

registered against the accused vide C.R.No.349/2026 under supra sections.

3. According to applicant/accused he has been falsely implicated in this case. From 22.05.2026 accused is in judicial custody. No purpose will be served by his further detention behind the bars. Already police have filed chargesheet. From the allegations in the FIR it is evident that it was a consensual relations. The victim has not given any explanation regarding the delay in lodging FIR. The applicant/accused is ready to abide the terms and conditions imposed on him. Hence it is prayed that applicant/accused be released on regular bail.

4. The prosecution has filed its say at Exh.3 reiterating the story of FIR further stating that during investigation spot panchanama has been done. Medical examination of victim is conducted. So also statement of the victim has been recorded u/sec. 183 of BNSS. The bail application is opposed on the ground that if the accused is released on bail, it will tamper with the evidence and commit other hins offence with the victim.

5. SPP has filed reply and resisted the application on the ground that the offence under which accused has been booked are punishable with punishment upto 20 years or may extend to life imprisonment. The victim girl was below 16 years of age at the time of incident. The accused is residing in the same vicinity hence it is likely that he will tamper the evidence. Hence it is prayed that application be rejected.

6. The victim has filed her reply at Exh.4. It is contended that the accused is threatening him to kill hence there is threat to her life. The victim prayed that bail application be rejected.

7. Heard the Advocate for the accused, SPP and the victim. It is submitted by advocate for accused that from the allegations in the FIR it can be gathered that it was a consensual relations between the victim and the accused. Already police has filed chargesheet from 22.05.2026 accused is in custody. It is further submitted that the applicant/accused is ready to abide any terms and conditions imposed by this court. Hence it is prayed that applicant/accused be released on regular bail.

8. The Learned SPP submitted that the victim was 15 years old when the incident was took placed. After the incident the victim was defame and due to the act of threatening the boy with whom the marriage of the victim was fixed was not ready to marry with her. It is further submitted that there is possibility of tampering the evidence. Hence it is prayed that the application be rejected.

9. The application is supported by affidavit. Perused the FIR, remand reports. It is not disputed that already chargesheet has been filed. Since 26.05.2026 accused is in judicial custody. After going through the allegations in the FIR, I find the victim/informant has not given explanation regarding delay in lodging the FIR.

10. Considering facts and circumstances of the present case and already police has filed chargesheet, I find that no purpose will be

served by further detention of the accused behind bar. So far the fear of complainant and the prosecution about the absconding of accused, tampering with the evidence can be taken care of by imposing stringent terms and conditions. Hence I pass following order;

ORDER

1. Bail Application No. 687 of 2026 is hereby allowed.
2. The accused **Shivam Ashok Pakhurde** be released on his executing PR. and S.B. bonds of Rs.50,000/- with one surety in the like amount, in respect of C.R. No.349/2026 under Section 69 of Bhartiya Nyaya Sanhita, 2023 r/w Section 4,6,8,12 of Protection of Children from Sexual Offences Act, 2012), registered at Wadala T.T. police station, Mumbai.
3. The accused shall shift his residence place 15 km away from Sion (East), Mumbai.
4. He shall intimate his new place of residence to this court and concerned police station with authenticated documents.
5. Accused shall file his authenticated address proof and mobile phone number.
6. Accused shall file authenticated address proof and mobile phone number of two of his relatives other than the surety.
7. Accused shall attend the court on each and every date, till completion of the trial.
8. Accused shall not leave the territory of State of Maharashtra without permission of the Court.
9. Accused shall not indulge himself in similar or any other criminal

activity.

10. Accused shall not make any indulgence to contact the victim or witnesses or to threaten or pressurize them.

11. Breach of any of the conditions will lead to cancellation of bail.

12. Bail Application No. 687 of 2026 stands disposed of accordingly.



Date : 12/08/2026

(D.D.KURULKAR)
Special Judge under POCSO Act,
City Civil & Sessions Court,
Gr. Mumbai.

Directly Dictated on : 12/08/2026
Checked on : 12/08/2026
Signed on : 12/08/2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER.”

12.08.2026 at 06.01 p.m.
UPLOAD DATE AND TIME

(Mrs.Prajakta K. More, Grade-1)
NAME OF STENOGRAPHER

Name of the Judge (With Court room No.)	HHJ SHRI. D.D.KURULKAR (C.R.No.18)
Date of Pronouncement of JUDGMENT/ORDER	12.08.2026
JUDGMENT/ORDER signed by P.O.on	12.08.2026
JUDGMENT/ORDER uploaded on	12.08.2026