

MHCC050037972025



**IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**BAIL APPLICATION AT EXH.5  
REMAND APPLICATION NO.287 OF 2025  
(CNR No.: MHCC050037972025)**

**IN  
(C.R. NO.: 468/2025 OF MEGHWADI POLICE STATION)**

|                                            |   |               |
|--------------------------------------------|---|---------------|
| Mr. Abhaykumar Jagdish Yadav               | ] |               |
| Age – 20 years,                            | ] |               |
| Residing at Davavaran, Post Bhitiya, Thana | ] | ...Applicant/ |
| Phulidomar, District Banka, Bihar          | ] | Accused       |

**V/s.**

|                                              |   |                |
|----------------------------------------------|---|----------------|
| The State of Maharashtra                     | ] |                |
| (At the instance of Meghwadi Police Station) | ] | ... Respondent |

**Appearance:-**

Ld. Advocate Vikas Mishra for applicant/accused.

Ld. APP Geeta Malankar for State.

**CORAM : H.H. ADDITIONAL SESSIONS JUDGE  
SMT. NEETA S. ANEKAR (C.R.NO.09)**

**Date : 17<sup>th</sup> SEPTEMBER, 2025.**

**:: ORDER ::**

This bail application is filed under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short "BNSS") in connection with Crime No.468 of 2025 registered with Meghwadi Police Station for the offences punishable under section 64(2)(i), 64(2)(m), 137(2), 87 of the Bharatiya Nyaya Sanhita (in short "BNS") r/w. Section 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (in short "POCSO

Act”).

**The brief facts of the prosecution case are as under:-**

2. The First Information Report has been lodged by the informant on 07.07.2025 stating that, he stays along with two sons, daughter and wife on the address mentioned in the first information report. His daughter is attending to beauty parlour class. For attending the class she leaves the home at 01.30 pm and returned till 4.30 pm. On 06.07.2025, till 12.30 pm(noon) his daughter was left the house. However, till evening he did not find his daughter. He searched for her everywhere but she was not found, therefore, informant has lodged first information report against the unknown person for kidnapping his daughter from his lawful custody. Pursuant to the first information report the offence bearing crime no.468/2025 has been registered for the offence punishable under section 137(2) of the BNS against unknown person.

3. Ld. Advocate for the accused while advancing arguments submitted that the applicant is falsely implicated in the offence. The applicant and the victim are having the love affair and the applicant and victim are ready to marry with each other. There is no any injury shown in the medical certificate of the victim. The applicant has no criminal antecedents. He is permanent resident of the address mentioned in the application. He is ready to abide by any condition that may be imposed by this court. Hence, the application.

4. The application has been resisted by the prosecution by filing reply at Exh.5 contending that during the investigation the supplementary statement of the informant has been recorded. During

investigation victim i.e. daughter of the informant was found along with the accused/applicant at Calcutta. The medical examination of the victim was conducted and there upon the section 64(2)(i), 64(2)(n), 87 of BNS along with section 4, 6, 8, 12 of POCSO Act has been added. The statement of the witnesses have been recorded. The statement of the victim u/sec.183 of BNSS has also been recorded. The report in respect of Ossification Test of the victim has also received during investigation. In such circumstances, if the application is considered there is every possibility of tampering prosecution evidence and absconding of the accused. Therefore, prosecution has prayed for rejection of present application.

5. Considering the nature of the offence, the notice came to issue to the informant who has filed reply at Exh.7 contending that if the application is considered there is every possibility of pressurising the witnesses and tampering of the prosecution evidence. Therefore, the informant has prayed for the rejection of the present application.

6. I have heard both the sides. Perusal of the reply of prosecution it is seen that after recording supplementary statement of the informant section 64(2)(i)(m), 87 of BNS and section 4, 6, 8, 12 of POCSO Act have been added. The reply of the prosecution further makes it clear that, during investigation the victim was found along with applicant. The medical examination of the victim has been done. Her statement u/sec.183 of BNSS has also been recorded. The statement of witnesses have also been recorded. Medical examination of the applicant has also been conducted. Thus the reply of the prosecution goes to show that substantial investigation has been done.

7. The fact can not be ignored that, in the reply of prosecution it is claimed that the statement of the victim has been recorded during which she claimed that she by her own went with the accused and they performed marriage. No doubt as per reply of prosecution, the age of the victim is 16 years and 10 months and her consent is immaterial. However, victim minor girl in love with the applicant has married him. Thus the victim has sufficient understanding to know the consequences of her act. But the reply of the prosecution if seen, it is no where the case of victim that, the applicant has sexually assaulted her by force as fraud. In such circumstances, one fact is also to be kept in mind that, the applicant is 20 years of age and he is behind the bars since the date of his arrest i.e. 16.07.2025. The trial is going to take its own time. The fact that when substantial investigation is conducted, it is not necessary now to further detain the accused.

8. Now the claim of the prosecution that accused is released on bail he may tamper the prosecution evidence is concerned, the purpose can be served by imposing condition on the accused. And therefore, the ratio laid down in **Sunil Mahadeo Patil Vs. State of Maharashtra, Criminal Bail Application no.1036/2015 decided on 03.08.2015** can be squarely applied to the present facts of the case. In all above mitigating circumstances, I am of the view that the purpose can be served by imposing conditions on the applicant. Therefore, I am inclined to consider the present application. Hence, the order :

#### **O R D E R**

1. Application (Exh.5) for bail in remand application no.287 of 2025 is allowed.
2. The accused by name **Mr. Abhaykumar Jagdish Yadav**, be released on his executing Personal Bond and Surety Bond of

**Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two solvent sureties** in the like amount in connection with **C.R. No.468 of 2025** registered with **Meghwadi Police Station** for the offences punishable under Section 64(2)(i), 64(2)(m), 137(2), 87 of the Bharatiya Nyaya Sanhita r/w. Section 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act on the following conditions:

- (i).The accused to attend the concerned police station on every Saturday in between 10.00 am to 02.00 pm, till filing of charge-sheet.
  - (ii)The accused 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 her/him from disclosing such facts to the Court or to any police officer.
  - (iii).The accused not to tamper prosecution evidence in any manner.
  - (iv).The accused shall not leave India without previous permission of this Court.
3. The breach of any of the conditions as above would be a ground for cancellation of bail.
  4. The Application (Exh.5) is disposed off accordingly.

**(Dictated and Pronounced in the open court)**

**Date : 17.09.2025**

**(NEETA S. ANEKAR)**  
**Additional Sessions Judge**  
**Borivali (Div), Dindoshi,**  
**Goregaon, Mumbai.**

Dictated on : 17.09.2025  
Translated on : 18.09.2025  
Checked and Corrected on : 18.09.2025  
Date of sign : 19.09.2025

**CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”****25.09.2025, 02.00 pm****Ms. R. A. Monde****UPLOAD DATE AND TIME****NAME OF STENOGRAPHER**

|                                         |                                                                    |
|-----------------------------------------|--------------------------------------------------------------------|
| Name of the Judge (with Court Room No.) | HHJ Smt. N. S. Anekar,(C.R.No.9)<br>Addl. Sessions Judge, Dindoshi |
| Date of pronouncement of /Order         | 17.09.2025                                                         |
| Order signed by P.O. on                 | 20.09.2025                                                         |
| order uploaded on                       | 25.09.2025                                                         |