

MHTH230018932026  <u>Cri.Bail Appln./982/2026</u>	ORDER IN CRI. BAIL APPLICATION NO.982/2026 Mr. Raj Sandip Dingankar.Applicant. Vs. State of Maharashtra, (Tulinj Police Station).Respondent.
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ORDER BELOW EXHIBIT 01

(Date: 06/08/2026)

This is an application for Regular bail u/s.483 of BNSS, 2023 filed by accused/applicant **Raj Sandip Dingankar** for releasing him in C.R. No. 373/2026 of Tulinj Police Station for the offences punishable under Sections 64(2)(m), 65(1), 351(2) of BNS, 2023 and Sec.4,6,8 & 10 of POCSO Act, 2012.

2] **The prosecution case in brief is as under :-**

The informant lodged report to Tulinj Police Station, thereby alleging that victim is his minor daughter and she was studying in 10th Std. She had acquaintance with the accused residing in their locality near Moregaon Shiv Mandir. They were talking with each other on phone and go out together. They being parents scolded them and objected visit of accused to their house. The accused made proposal to marry her, but they refused his proposal. However, accused continued to meet her. On 07/05/2026 when he was out for his work, his wife informed him that victim had severe abdominal pain and she was taking her to hospital. She admitted her to VVCMC Survoday Hospital where victim gave birth to a baby girl. It is alleged that accused made the victim to come under his influence. After familiarizing with herself, accused

threatened to kill her parents and repeatedly forced himself on her by making sexual abuse. He repeatedly committed forcible sexual intercourse against her will, made her pregnant and it resulted in giving birth to a child by a minor child. Hence, report came to be lodged for necessary action against the accused.

3] In the application, it is stated that accused is innocent and has not committed any offence as alleged by the victim. There is no evidence against accused on record. Investigation is already complete and in oral argument it is submitted that the charge-sheet bearing Spl. Case No.285/2026 has been filed in Court. Neither any recovery is to be effected from the accused nor accused is in position to tamper with prosecution evidence. The accused subsequently came to know after refusal of marriage proposal by informant that victim girl had maintained relationship with another person. Hence, he completely discontinued his association with victim and severed all contacts with her. Since then, there was no meeting, intimacy or physical relationship with the victim. He denied the allegations of having committed sexual intercourse with victim and also spoke about the paternity of child. It is submitted that accused is willing to co-operate with investigation machinery including giving DNA samples if directed by the competent Court. Investigation is substantially complete including recording statement of victim and collection of medical evidence. In such circumstances, long incarceration of the accused is not justified. He is not having criminal antecedents. Hence, no purpose would be served by detaining accused in judicial custody. Therefore, he prayed to be released on bail.

4] Ld. Advocate for accused vehemently submitted that age of accused is just 20 years. He is not harden criminal and charge-sheet is already filed. Hence, he is entitled to be released on bail. To that effect he placed reliance on the authority in the case of **Nikhil Sankla @ Jaswanth Kumar Vs. State of Karnataka, in Cri. Petition No.4209/2024**. I have gone through the observation made by Hon'ble High Court in said authority. It is noted therein that *"petitioner is hardly aged 20 years. If he is detained in custody, there is every possibility of he coming in contact with hard cores criminals which is not in the best interest of the petitioner. It is not the contention of prosecution that petitioner is required for further investigation. Under such circumstances, petitioner is entitled to be released on bail subject to conditions."*

4] I.O. has filed his say below Exh. 4 and strongly opposed the application. It is submitted that the offence is of serious nature. The possibility of repetition of offence cannot be overruled. the samples of victim and accused are forwarded to FSL, Kalina and report is awaited. Accused and victim are residents of same locality. He is permanent resident of other State. In said circumstances, accused may tamper with the prosecution evidences. He has extended threats of dire consequences with the victim. Hence, accused shall not be released on bail. Similar argument has been advanced by Ld. APP also.

5] Victim appeared before Court along with her father and strongly objected the bail application by filing her say at Exh.5. They submitted that there is involvement of accused in the crime and the present accused has committed forcible sexual intercourse

and molestation. There is likelihood of risk to the life of herself and her family members as well as accused tampering with evidence and pressuring witnesses, if released on bail. They prayed to reject the bail application.

6] Heard Ld. Advocate for accused at length. He prayed to allow the bail application on the grounds as mentioned in Exh.01. Heard Ld. A.P.P. at length. He prayed to reject the bail application on the grounds as mentioned in the say of I.O. as per Exh. 04.

7] I have perused the record. It appears from record of the case that accused is in judicial custody since 12/05/2026 and it is informed that charge-sheet is already filed. It is also undisputed that accused is 21 years old boy. However, record shows the gravity of offence. As per the case of prosecution, accused raised physical contacts with the victim and subjected her to penetrative sexual intercourse repeatedly though aware that she is minor and just appeared for 10th exam. It is very unfortunate and traumatic events that a girl who herself is a minor child educating in 10th or 11th Std. has given birth to child. The objection regarding paternity and the defence of innocence can be considered on merit at the time of recording evidences during trial. Such offence cannot be taken casually. The accused has spoken about love relations with victim and subsequent severance of all relations. Said facts are denied by the victim and her father. In said circumstances, the possibility of tampering as well as pressurizing victim and her family cannot be overruled as both are residents of same locality. Moreover, the accused though of tender age, has allegedly committed heinous offence, in said circumstances, if he released on bail, the possibility

of him fleeing away from justice cannot be overruled. Hence, looking to the said circumstances, I am not inclined to release the accused on bail. Hence the following order.

ORDER

1]	Application Exh.1 is rejected.
2]	Inform concerned police station accordingly.
3]	Accused be informed about this order by e-mail through Superintendent, District Prison, Thane.
	(Order is dictated and pronounced in open Court).

Vasai.
Date : 06/08/2026.

(A. H. Kashikar)
Addl. Sessions Judge, Vasai.