

MHKO040006112026 	<u>IN THE COURT OF THE SPECIAL JUDGE,</u> <u>ICHALKARANJI.</u> <u>Cri. Bail Appln. No. 200/2026</u>
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Mahadevi Pravin Kamble	Applicant/Accused No.3
Versus	
The State of Maharashtra Through Hupari Police Station	Opponent

Order below Exh.1

1. The present application is one under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail of accused no 3 Mahadevi Pravin Kamble in connection with Crime No.164 of 2026 registered with Shirol Police Station, District Kolhapur, for the offences punishable under Sections 64(1), 74, 75(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecution case, in brief, is that the victim, aged about 17 years, alleged that accused No.2 Ravindra Jadhav, who was allegedly the paramour of the present applicant, frequently visited their house and repeatedly subjected the victim to sexual assault and sexual harassment. It is further alleged that accused No.1

Saurabh Anand Nikam had also developed intimacy with the victim. The gravamen of the allegation against the present applicant, who is the mother of the victim, is that despite being fully aware of the conduct of accused Nos.1 and 2, she intentionally permitted and facilitated them to establish offensive relations with the minor victim. On the basis of the report lodged by the victim, the aforesaid crime came to be registered.

3. Learned counsel Shri. V.I. Jamadar for the applicant submitted that the applicant has been falsely implicated. It is argued that the victim has subsequently filed an application before this Court stating that the applicant has not committed any offence against her and requesting that she be released on bail. Reliance is also placed upon an affidavit filed by the father of the victim stating that the victim implicated her mother due to misunderstanding and that the applicant is required to look after the family. It is, therefore, submitted that further detention of the applicant is unwarranted.

4. Learned Additional Public Prosecutor Shri. H.N.Mohite-Patil opposed the application. It is submitted that the allegations against the applicant are extremely serious in nature. The applicant is not an outsider but the mother and natural guardian of the minor victim. Instead of protecting her daughter, she is alleged to have facilitated the commission of sexual offences by accused Nos.1 and 2. It is further submitted that the investigation is still in progress

and there exists every possibility of the applicant influencing the victim and other witnesses if released on bail.

5. I have carefully considered the rival submissions and perused the material available on record.

6. The allegations against the present applicant stand on an altogether different footing from those against the co-accused. The prosecution does not merely allege passive knowledge on her part. The specific allegation in the FIR is that the applicant knowingly permitted accused No.2, who was allegedly her paramour, and accused No.1 to do harassment , abuse to her minor daughter. Such allegation, if ultimately proved, would amount to a grave breach of the applicant's legal and moral obligation as a mother to protect her minor child. At this stage, the Court is only required to examine whether a prima facie case exists and not to undertake a meticulous appreciation of evidence.

7. It is true that after registration of the crime, the victim has filed an application stating that the applicant has not committed any offence against her and requesting that she be released on bail. The father of the victim has also filed an affidavit supporting the applicant. However, these developments have taken place after the arrest of the applicant. Significantly, the victim had earlier filed a statement during the bail proceedings of accused No.1 diluting the allegations against him, and she has now sought release of accused No.3 as well. These successive changes in her stand, within a short

span, do not inspire confidence at this stage. On the contrary, they indicate the possibility that the victim, who is admittedly a minor girl, may be under emotional, familial or other influence. At this stage of investigation, the Court cannot rule out such possibility.

8. The investigation has not yet culminated in filing of the charge-sheet. The victim is the daughter of the present applicant. If the applicant is released at this stage, the possibility of her influencing the victim, directly or indirectly, or affecting the course of investigation cannot be lightly ignored. The subsequent application of the victim and the affidavit of her father cannot, by themselves, eclipse the specific allegations made in the FIR or justify discarding the prosecution case at the threshold. The evidentiary value of these subsequent statements is a matter to be tested during trial.

9. Having regard to the nature and gravity of the allegations, the relationship between the applicant and the victim, the stage of investigation and the need to ensure that the victim remains free from any possible influence until the investigation is completed, I am of the considered opinion that this is not a fit case to exercise discretion in favour of the applicant at this stage. However, after filing of the charge-sheet, the applicant shall be at liberty to renew her prayer for bail, which shall be considered on its own merits. Hence, I pass the following order.

ORDER

(I) The Bail Application stands rejected.

(II) It is clarified that the observations made herein are confined to the adjudication of the present bail application and shall not influence the trial on merits.

(Pronounced in open Court on 6th August, 2026)

Place:- Ichalkaranji

Date :- 06-08-2026

(L. D. Bile)

Special Judge, Ichalkaranji.