

Cri. Bail Application No.373/2026
Mahendra Sampat Porje Vs. State.
CNR No.MHNS310010532026

ORDER BELOW EXH. 1

1. This is an application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for the grant of bail in Crime No.375/2026, registered with Upnagar police station, Dist. Nashik, for the offenses punishable under Sections 69,308,351(2),351(3) of the Bharatiya Nyaya Sanhita, 2023 (Hereinafter referred to as 'the BNS' for short) and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (Hereinafter referred to as 'the POCSO Act' for short)
2. Heard the learned counsel for the applicant, learned A.P.P for the State and the informant. They have argued in length, in the same line that of their contentions. Perused the record.
3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated. It is submitted that the investigation is complete and charge-sheet has already been filed. The applicant is in custody since long. It is further submitted that no useful purpose would be served by keeping the applicant behind bars for an indefinite period. The applicant is a permanent resident of the local area and is ready to abide by any conditions imposed by the Court.
4. Learned APP and the informant opposed the application on the

ground that the allegations are serious in nature. According to the prosecution, there is sufficient material connecting the applicant with the crime. Considering the nature of punishment, possibility of tampering evidence, fleeing away from justice, threatening the witnesses can not be ruled out and, therefore, the application deserves rejection.

5. As per the FIR, from 2019 to the present, accused fully aware that the victim was a minor, lured her with the promise of marriage and threatened to send her nude photos to her relatives. He engaged in sexual relations with her at two locations. By threatening to drive her to suicide and to expose her nude photos to her relatives, he extorted a total of ₹12 lakh from her.
6. On perusal of material on record, the role of present accused is that lured her with the promise of marriage and threatened to send her nude photos to her relatives. Record shows that they have married and had girl-child presently with grandparents.
7. At this stage, a detailed examination of evidence is neither necessary nor permissible. The material collected during investigation indicates that the role attributed to the applicant is required to be tested during trial. The investigation is almost completed.
8. There is no material placed on record to indicate that the applicant would attempt to abscond or tamper the evidence. Appropriate conditions can adequately safeguard the interest of the

prosecution. The object of bail is to secure the attendance of the accused at trial. Bail cannot be withheld as a measure of punishment before conviction. The settled principle is that deprivation of liberty before conviction must be justified by compelling circumstances.

9. Nothing is to be recovered or discovered from the present applicant. The prosecution has not claimed custody of the applicants for further investigation nor for any other reason. Trial will take its own time. No purpose will served by keeping the applicants behind the bars. Considering the overall circumstances and the allegations in FIR and the nature of the alleged crime, the application deserve to be allowed. Hence, following order is passed.

ORDER

1. The application is hereby allowed.
2. The applicant be released on bail, on executing P.R. bond of ₹. 50,000/- [₹. Fifty Thousand Only] with one solvent surety in the like amount in the aforesaid crime, on the following conditions:-
 - i. The applicant shall not enter in in the residential vicinity of the victim till conclusion of trial
 - ii. The applicant to report concerned police station, on every Friday in between 10.00 a.m. to 12.00 p.m., till filing of charge-sheet.
 - iii. The applicant shall not make any form of contact with the informant, witnesses, or any individuals directly associated

with the case.

- iv. The applicant shall not tamper with any evidence or documents related to the case.
- v. The applicant shall furnish active mobile number to the Investigating Officer and shall also immediately report any change in mobile numbers.
- vi. The applicant shall surrender passport, if any, before the Investigating Officer within a week and, if the applicant not possessing any passport, shall file an affidavit to that effect before the Investigating Officer.
- vii. The applicant shall not engage in activities that might be related to the offence registered.
- viii. The applicant must maintain a stable residence and is required to inform the Court and the investigating officer of any change in residential address.
- ix. As per para No.12(1) of the Criminal Manual, the applicant/accused before release on bail shall furnish the list of three blood relatives with detail residential addresses and also the addresses of place of work, if any, and shall also produce documentary proofs showing the correctness of details.
- x. The applicant shall not leave India, without prior permission of this court.
- xi. The applicant shall attend every court date and shall

cooperate in smooth hearing of the trial.

3. Failure to adhere to any of these conditions will result in the immediate revocation of bail and may lead to further legal consequences.

Date : 17/07/2026
Place: Nashik-road

(K.G.Joshi)
Addl. Sessions Judge, Nashik-road