

**IN THE COURT OF ADDL. SESSIONS JUDGE VADGAON MAVAL, AT :
VADGAON MAVAL, DIST. PUNE.**

SPECIAL CASE NO. 11/2026

**The State of Maharashtra
Vs.
Akash @ Babbi Bharat Dhotre**

**ORDER PASSED BELOW APPLICATION AT EXH. 4
(Passed on this 13th day of April 2026)**

After going through the contents in the application and say/remarks filed by the Learned A.P.P. for the State and the material available on record, following points arise for my determination, and I have recorded my findings thereon with reasons thereto, which are as follows :

SR. NO.	POINTS	FINDINGS
1]	Whether there are sufficient grounds to grant bail to the applicant-accused in accordance with the provision of Sec. 483 of B.N.S.S.2023 ?	No
2]	What order?	Application Exh.4 is rejected

REASONS

POINT NOS. 1 AND 2:

2. The offence punishable under Section 64(1), 64(2) (m), 65.69, 351(2), 352 r/w section 3(5) of BNS 2023 and the offence punishable under Section 4,5(j)(ii)(l), 6,9(j)(l)10,11,12 of POCSO Act is registered against the applicant-accused and other accused at Lonavala Rural police station under C.R. No. 265/2025. It is alleged in the report filed by the complainant who is mother of victim that the victim who is her daughter is 14 years old. On 17.11.2025 the complainant observed

abnormal physical condition in respect of her stomach. When she returned at home at evening she took the victim in confidence and inquired towards her, at that time the victim stated that the accused No.1 Akash @ Babbi Dhotre is residing near to her house. He got his acquaintance during Navaratra Festival of earlier year. Thereafter, they were in talking terms with each other on phone. They were frequently meeting outside home. The victim was taking education in 9th Std. at relevant time. The accused No. 1 was frequently coming towards her home. On a day prior to year of the date of complainant he called her at her home. Nobody were at his home. When she entered at his home he closed the door of his house and expressed his love and affection towards her and insisted her to enter into sexual intercourse. She refused him to do so, however, he forcibly removed the cloth on her person and committed rape i.e. penetrative sexual assault in forcibly manner by threatening her. When he committed aforesaid act he further threatened her that she should not state anything about it to anybody including her parents otherwise he will kill his parents. Therefore, she did not state about it to anybody including her mother. Accused No.1 was frequently calling her towards her home. He was frequently committing aforesaid criminal act in forcible manner, though she was resisting him to do so under the threat to kill her parents. As she was under his fear she was constrained to go towards his home as an when he was calling. He was stating her at that time that he is going to enter into marriage with her therefore, she should not take any pressure about it. The victim further stated her mother that when she inquired toward accused No. 1 about the marriage he stated her to avoid the talk of marriage. The frequent quarrels were going on between them for aforesaid reason. This applicant-accused Sagar Dhananjay Rajjak and anther accused named as

Sunny were convincing both of them on aforesaid subject. The victim further stated to her mother that when she got acquaintance with this applicant-accused and another accused Sunny they also started to call her towards their home stating that they have to convince accused No.1 when the victim was going towards their home they were also committing similar act of penetrative sexual assault on her in forcible manner. As a result of it she missed menstruation period.

3. When the complainant leaned about it from the victim, she shocked. When her husband came at home she narrated all the aforesaid allegations to him. On 20.11.2025, the complainant, her husband and victim were at home. The accused Nos. 4,5 and accused No.1 and his friend collectively came towards home of the complainant. They started to abuse the complainant and threatened to kill them if report is filed they would file report against accused No.1 in police station. Therefore, they again came under the fear. Thereafter the complainant came at police station along-with her husband and filed report under consideration. The offence to that effect is registered on 21.11.2025.

4. When the offence under consideration was registered directions were given to the complainant to secure presence of victim to record her statement as well as refer her for medical examination. However, she started to suffer stomach ache since morning on 22.11.2025. She was taking treatment in Kalpataru Hospital Lonavala to that effect. On 23.11.2025 the victim delivered dead child at her home. Therefore she was immediately sent in the said hospital for the purpose of treatment along-with dead child. The hospital authority immediately referred her for the purpose of medico legal examination of sexual violence towards D H Hospital Pune along-with her dead child. The

samples for the purpose of chemical analysis as well as DNA were collected as per rule and forwarded for analysis. After completion of investigation the charge sheet is filed against this applicant-accused and other accused.

5. The applicant-accused who has filed the application has come with the case by way of application under consideration that no any offence as alleged in the report is occurred. The applicant-accused has not committed any offence as alleged in the report. Relying upon the allegation in report statement of victim and grounds raised in this application the learned counsel for applicant-accused submitted that the allegation made by the complainant against this applicant-accused are vague baseless and imaginary. There is an unexplained delay to lodge FIR. The victim did not disclose the incident to anybody for considerable period. The learned counsel further submitted that even if the allegation in report are considered as a whole at this prima-facie stage then it is sufficient to infer that allegations are against accused No.1 itself. The allegation in respect of said penetrative assault on the part of this applicant-accused are vague allegation. The victim has not stated any particular day, date, time and place in respect of her visit towards the house of this applicant-accused. Admittedly, the love affair of the victim was with accused. The allegation goes to show that role of this applicant-accused is restricted to the extent to resolve dispute going on between victim and accused No.1. The learned counsel submitted that the conduct of victim itself is sufficient to reduce the strength of allegations against this applicant-accused as she has nowhere stated as to why she did not state about any of the incident to anybody during the long space of somewhere one and half year. The learned counsel submitted that the

victim has crossed the age of understanding. She also knows the consequence of act done by her. Except the allegation of victim nothing is on record to strengthen the accusation against this applicant-accused. The learned counsel submitted that the investigation is now over. The charge-sheet is also filed. The sample for the purpose of chemical analysis as well as DNA are collected. In such circumstances question of tampering of evidence as well as creation of pressure on prosecution witnesses do not arise. He submitted that applicant-accused is ready to abide all the conditions laid down by this Court.

6. Learned APP for State while resisting the application by way of his remarks and report of investigation authority vehemently submitted that there is active participation of applicant-accused in offence under consideration. He reproduced all the allegation in report through his submission. Relying upon material produced on record along-with charge-sheet he submitted that there are specific allegation against this applicant accused. The applicant-accused committed aggravated penetrative assault as a result of it the victim carried and gave birth to child at per-matured stage. The offence under consideration is of serious nature. There is possibility of tampering evidence as well as creation of pressure on prosecution witnesses as the applicant-accused and complainant as well as victim are residing in same locality. For all these reasons he prayed for rejection of application

7. I have gone through the allegation in report and material produced on record on the background of submission of learned counsel for applicant-accused. The medico legal examination report which has come on record if considered as a whole on the background of submission I have no hesitation even at this prima-facie stage to come

towards conclusion that accusation for offence punishable under Section 64(1) 64(2)(m),65,69, 351(2),352 and r/w. 3(5) of BNS 2023 and offence under Section 4,5,6,9,10,11 and 12 of POCSO Act are well founded. There are specific allegation that the applicant-accused has called the victim towards his home frequently and committed the criminal acts of penetrative sexual assault by taking undue advantage of helpless condition of victim of offence. The sample all accused against whom allegation of penetrative sexual assault are made are collected for the purpose of DNA analysis including this applicant-accused. The report is awaited. Considering the nature of allegation and material which has come on record along-with charge-sheet it will be just and proper to consider DNA analysis report prior to coming towards conclusion at this prima-facie stage that against whom accusation for offence of penetrative sexual violence is strengthened. The report is not yet received . In such circumstances it will not be just and proper to release the applicant-accused on bail as there are reasonable grounds to believe at this prima-facie stage that this applicant- accused has also committed the offence as well as alleged report. In the result I answer point No.1 in the negative and proceeds to pass following order

ORDER

1. The application stands rejected.
2. Inform the applicant-accused accordingly through Jail Authority.

Place: Vadgaon Maval
Date : 13.04.2026

(Rajendra V. Huddar)
Addl. Sessions Judge,
Vadgaon Maval

<u>CERTIFICATE</u>	
"I affirm that, the contents of this PDF file Judgment are same word for word as per original Judgment.	
Name of the Court	: Shri. R.V. Huddar Addl. Sessions Judge, Vadgaon Maval.
Name of Stenographer	: Mrs. M.V. Patil
Date of Judgment/Order	: 13.04.2026
Judgment/Order signed by P.O. on:	: 17.04.2026
Judgment/Order uploaded on	: 17.04.2026