

MHAH070002702026



ORDER BELOW EXH. 1 IN CRI.BAIL APPLN.NO. 92/2026
(Satish Raosaheb Shelake vs. State)

1. The accused/applicant has prayed for releasing him on bail under Section 483 of the B.N.S.S.

2. It is stated in the application that, accused is arrested by Ashwi Police Station Tal. Sangamner in Crime No.32/2026 for the offences punishable under sections 137(2), 87, 351(2) of BNS and sections 8 and 12 of the POCSO Act. At present the accused is in Magisterial Custody. Applicant is permanent resident of Pota Khurd, Taluka-Aundha Nagnaath District-Hingoli and having movable and immovable property over there. He is innocent and has not committed any crime as alleged. He has no criminal antecedents. There is no prima facie case made out against him. The FIR and remand report shows that, there was affair between complainant girl and applicant. She herself called accused to meet her. The allegations levelled in FIR against the applicant are vague, baseless, after thought and lodged with ulterior motive. The statement of complainant also tutored. It is further submitted that, from the FIR and remand report it is crystal clear that prosecutrix herself joined with the applicant by calling him and there is no case of taking and enticement against the applicant.

3. It is further submitted that, at the time of incident, the victim was at the age of majority. She is educated and independent girl, attained the age of understanding and she herself joined the company of applicant. No case under any sections of BNS or POCSO are made out. There is no allegation of sexual abuse or harassment in the FIR. No recovery or discovery is remained with the applicant. No purpose will be served by keeping accused behind bar. He has responsibility of his old parents and family members. He will co-operate the investigating machinery and will not tamper with prosecution evidence. He is ready to abide each and every condition imposed on him by the court. On these grounds he has prayed to release him on regular bail.

4. The victim has filed her reply vide exhibit 19 and strongly opposed the bail application of accused-applicant. It is submitted that, accused had made conspiracy to kidnap the victim. If he is released on bail he will again try to kidnap the victim. The victim is minor. Therefore, it will not be proper to release the accused on bail. Further, it is submitted that other accused are absconding and vehicle is not seized. If accused is released on bail there will be no fear of law. Hence, she has prayed to reject the application.

5. The Ld. APP opposed the application vide reply exhibit 11. It is submitted that, alleged offences are serious in nature. The FIR reveals that, on 23.02.2026 at 7.35 a.m. accused made her

phone call and even after denial of victim he tried to meet her. The co-accused was driving swift car. In spite of denial of the victim, accused threatened her and compelled her to sit in the car. He asked her for marriage. Thereafter, police made call on his mobile at that time co-accused left the victim and accused at Vadgaon Phata and absconded with car. It is submitted that, the offence is in respect of sexual assault on minor. Accused nos. 2 and 3 yet to be arrested. The car used in the offence is not seized. Interrogation of accused is necessary. It is likely that accused will destroy the evidence if released on bail. Therefore, it is prayed that considering the seriousness of offence bail application be rejected.

6. Heard Ld. Advocate for the applicant and Ld. APP for the State. Crime No.32/2026 is registered by Ashwi Police Station against the accused for the offences punishable under sections 137(2), 87, 351(2) of BNS and sections 8 and 12 of the POCSO Act. The accused was arrested on 23.02.2026. He is released on interim bail vide order below exhibit 13. The FIR indicates that the victim was in contact with accused on instagram since last more than three months of the incident. On the earlier day of the incident, the victim had made phone call through the mobile of her father to accused and at that time accused told her that he will visit to meet her. She asked her not to visit. Thereafter, on 23.02.2026 when victim was proceeding to the college she saw the accused and asked her why he visited. The accused was accompanied with co-accused who was

driver of swift car. Accused asked her to accompany with him, she denied. However, accused threatened her and compelled her to sit in the car. Thereafter, police made phone call to the accused and informed him about information given by victim's father to police. Thereafter, co-accused i.e. car driver left them at Vadgaon Phata and absconded. The victim and accused were caught by the police at Vadgaon Phata.

7. If aforesaid averments are considered then it is seen that the incident had occurred on 7.35 a.m. The victim was in contact with the accused since prior to the incident. Her age is stated as 16 years. It indicates that, she is of the age of understanding about consequences of the acts done by her. Prima facie it is seen that, if she was compelled by accused, she could have shouted and ask the people for help. However, her silence indicates that she was consenting to the accused. In respect of lodging of the FIR it is seen that, though incident had occurred on 7.35 a.m. the FIR is lodged at 7.45 p.m. of 23.02.2026. The information was received at police station at 6.34 p.m. It falsifies the case that on 7.35 a.m. itself police were informed by victim's father. If it is accepted true then there is no reason given for delayed FIR.

8. The Ld. Advocate for accused has produced print outs of chatting and photographs of victim and accused in closed envelope. It indicates that, victim was in contact with the accused since prior to

the incident. The victim was aware that accused was visiting to meet her. The offence levelled under section 137(2) of BNS is punishable upto 7 years imprisonment and bailable in nature. The offence under section 351 of BNS is also bailable. The offence under section 87 is having punishment upto 10 years of imprisonment. Considering the facts in the case it is doubtful as to whether said offence is attracted. The offences under sections 8 and 12 of the POCSO Act are about sexual assault and sexual harassment against child. They are punishable at the most upto 5 years of imprisonment. No doubt, other accused are yet to be arrested however their identity is known to the police. Further, details of the car are also available with the police. The accused was detained for sufficient period. Now, it is not necessary to detain him till conclusion of the trial. The alleged offences are not punishable with death or imprisonment for life.

9. In case in hand, it is seen that, the victim herself was in contact with the accused on instagram etc. The accused does not have criminal antecedents. It is not likely that, accused will repeat the offence. Much time will be required to complete hearing of the case. Considering, the age of victim it can be said that, she was able to understand what she was doing. In these circumstances, it would be proper to release the accused on bail. The application deserves to be allowed. Hence, following order is passed.

: ORDER :

1. The bail application is allowed. The interim bail granted to applicant-accused vide exhibit 13 is hereby confirmed.
2. **Applicant-accused Satish Raosaheb Shelake** be released on bail in the sum of Rs.25,000/- (Rs. Twenty five thousand only) with one surety of like amount.
3. The applicant shall not repeat such offence in future.
4. He shall not directly and indirectly contact with victim or other witnesses in any manner till completion of trial and shall not attempt to influence the prosecution witnesses or tamper the prosecution evidence.

Sangamner.
Date : 18/03/2026.

(M. M. Shaikh)
Additional Sessions Judge,
Sangamner.