

MHBH010007572025

**ORDER BELOW EXH. NO.6**(Passed on 07th day of February, 2026)

Applicant, **Radheshyam Bakaram Thakre**, filed this application for grant of bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime No.116/2025 under Section 64 of the Bhartiya Nyaya Sanhita, 2023 and Section 6 and 8 of the Protection of Children from Sexual Offences Act registered with Police Station, Warthi.

2) The applicant submitted that he is residing at village Panjara, Tah. Mohadi. He is falsely implicated in the crime. He is having no criminal antecedent. The applicant and the victim are residing near each other. The accused is 61 years of age. He was standing on the road and allegation is that he tried to commit rape. Under the pressure of mother of victim, false offence was registered. Prior to the alleged incident, there was quarreled between accused and mother of the victim. Mother of victim is quarrelsome lady. She used to pick up quarrel with the persons residing thereby. In order to take revenge, false offence was registered against the applicant. Applicant is old aged person, he will never to do such type of act. Investigation with applicant is over. He needs medicines and medical treatment. He is ready to abide all conditions imposed by the Court.

3) The I.O. and Learned P.P. in the say submitted that, victim is 07 years of age. She resides near the house of the accused. The victim was alone at her house and applicant entered in her house and took her in the bedroom. He made her to lie on the ground and removed her panty. The accused removed his own clothed and tried to forcibly for intercourse with the victim. In the meanwhile the brother of the victim came and saw the incident. He shouted. Applicant offered him money for not telling about incident to anybody. Then the applicant went away from that place. The brother of victim went to the house of his uncle and narrated the incident. Her uncle called her mother on telephone. Her mother took her to the Police Station and lodged report. The victim is 07 years of age. If the applicant released on bail, he may pressurize victim and other prosecution witnesses and wrong signal may go in the society. With this, prayed for rejection of the application.

4) The counsel for the applicant argued that, victim, in the pressure of her mother, lodged false report. Accused is 61 years of age and would never do such act. He requires medicines. If he is kept behind bar, he may not get proper treatment. He is falsely implicated in the crime. He is behind bar since 23.04.2025. It is only the case of touch and not penetrative sexual assault. Investigation is over and charge-sheet is filed and case is registered as Special Criminal Case No.71/2025.

5) Learned P.P. argued that victim is 07 years of age.

Accused took her to her bedroom and removed her panty and tried to have intercourse with her. Then elder brother of victim came and saw the incident. He shouted. The accused offered him money and tried to suppress his heinous act. If accused is released on bail, he may pressurize witnesses including victim. He prayed for rejection of the application.

6) Upon hearing both the sides at length, I have gone through the case papers including in the charge-sheet and it seems that allegations are pertaining to the touching of vagina of victim with attempt to commit rape. The incident is of 21.04.2025 and report came to be lodged on 23.04.2025. No injuries are found on the person of victim. Similarly, chemical report also not detecting any semen was found. The investigation is completed and charge-sheet is filed. Applicant is aged about 61 years. He is behind bar since 23.04.2025. More than 10 months have been passed. The trial would take its own time. The investigating agency does not require custody of the applicant for further investigation. So far apprehension of investigating officer is concern that can be taken care of by imposing some conditions. In such state of affairs, I find it appropriate to grant bail. Hence, following order:

ORDER

1. The application is allowed.
2. Applicant, **Radheshyam Bakaram Thakre**, be released bail on his executing P. R. bond of Rs.40,000/- with one surety in like sum, on the following conditions, that:-

(a) he shall report of his presence to P. S. Warthi as and when called by the I.O.

(b) he shall not threaten, pressurize or make any inducement to the prosecution witnesses including the victim in any manner,

(c) he shall not enter village Panjra, Tah. Mohadi, Distt. Bhandara until further order.

(d) he shall regularly appear before court to face trial against him.

Date : 07/02/2026.

(Atul K. Shah)
Special Judge,
Bhandara.

CERTIFICATE

I affirm that, the contents of this P. D. F. file are word to word,
as per the original Order.

Name of the Stenographer : N. B. Shendekar, Grade-1

Court's Name : Additional Sessions Judge,
Bhandara

Date of Dictation : 07/02/2026

Signed by Presiding Officer on : 07/02/2026

Uploaded on : 07/02/2026