

MHBI010004812026

Cri.Bail Appln.No.128/2026**Akash Alias Babya Shriram Alias
Baban Jadhav
Vs.
STATE OF MAHARASHATRA****ORDER BELOW EXH.1**

01] This is an application filed for anticipatory bail as per Section 482 of B.N.S.S., in Crime No.292/2025 registered by Georai Police Station, Dist. Beed for the offences punishable under section 64(2)(i), 65(1), 324(2), 333, 115(2), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (In short 'BNS') and Section 4 of Protection of Children From Sexual Offences Act (In short 'POCSO Act') and Section 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (In short 'Atrocities Act').

02] Prosecution's case in brief, is as under ;

Informant i.e. victim's mother lodged F.I.R. on 02.05.2025 alleging that, on 28.04.2025 she and her daughter i.e. the victim were in their house. At that time present applicant and co-accused Babya Jadhav, Ganya Tapdiya, Yuvraj Jadhav, Sachin Rathod entered informant's house and started destroying and damaging household articles. The informant questioned them. They caught her and Sachin Rathod forcibly took the victim inside the kitchen. He disrobed her and sexually assaulted her. Co-accused assaulted the informant with fist blows and kicks and abused her naming her caste. Thereafter, all the

assailants went away. Informant's son was admitted in Aadhar Hospital at Georai. Therefore, there was delay in lodging F.I.R. Hence, the F.I.R.

03] Applicant has claimed bail on the grounds that, he is innocent and has not committed any offence as alleged. He has been falsely implicated. The creditability of informant and the victim is completely shattered. They have admitted on oath that, they falsified the gravest charge of rape against main accused Sachin Rathod. The specific role attributed to the present applicant is limited the house trespass and damaging household articles. Allegations of sexual assault or molestation was not made against him initially. However, after withdrawing the charges against Sachin Rathod, the informant has maliciously improved her story in the supplementary statement to attribute falsely the role of molestation to the applicant. According to the applicant, on the day of incident he was attending Haladi ceremony of his cousin at Bhagylaxmi Mangal Karyalaya, Georai and was present at the venue throughout the day. There is unexplained delay of 4 days and 12 hours in lodging F.I.R. The reasons cited by informant are insufficient and unsatisfactory. The applicant is permanent resident of given address. He is ready to co-operate in the investigation and abide by the conditions that may be imposed. On these grounds, he has prayed to grant anticipatory bail.

04] Prosecution has resisted the application by filing say at Exh.8. It is the say of the prosecution that there is strong prima facie case made out against the applicant. There is active participation of the

applicant in commission of crime. If the applicant will be released on anticipatory bail, then it is likely that, he will pressurize the informant, victim and prosecution witnesses, interfere in the the investigation and tamper the prosecution's evidence. The offence is heinous, antisocial and against the child. Investigation is in progress. On these grounds, prosecution has prayed to reject the bail application.

05] Informant has resisted the application by filing her affidavit at Exh.10. She has reproduced the contents of her earlier statement making allegations against applicant and co-accused. According to her, the contents of the application are false. Yet the medical examination of the applicant/accused is to be conducted. His clothes, mobile phone and motorcycle used in commission of crime is to be seized. If the applicant shall be granted anticipatory bail, it is likely that, he may pressurize the victim and witnesses. He has political support. He is financially sound and has no respect for the law. Earlier bail applications of co-accused were rejected by this Court. On these grounds, informant has prayed to reject the application.

06] Heard learned advocate for the applicant/accused, learned A.P.P. for the State and learned advocate for the informant. They argued as per application and say as referred above. To avoid repetition, I find it would be just and proper not to reproduce the arguments of both the sides.

07] Considering rival submissions of both the sides, I find that, in the supplementary statement of the informant and victim recorded on 29.07.2025 both of them have stated that, present applicant and co-accused forcibly entered their house, assaulted the informant with fist blows and kicks. Admittedly, earlier the allegations regarding sexual assault were made against accused Sachin Baban Rathod, in supplementary statement the informant and victim have withdrawn the allegations of sexual assault made against Sachin Rathod, but in the same statement they have made allegations against present applicant and co-accused that, they caused sexual harassment of the victim. In her statement recorded under Section 183 of B.N.S.S. Victim has supported the allegations made against the applicant and co-accused regarding her sexual harassment. It cannot be ignored that, at the time of alleged incident, the victim was 12 years old. Since the occurrence of the incident applicant/accused is absconding. Though, it is his contention that, at the time of occurrence of incident he was attending Haladi ceremony of his cousin, he has not made any application to superior police officers alleging that, he has been falsely implicated. It is pertinent to note here that, the since the occurrence of incident on 28.04.2025 till filing of present application, applicant neither surrendered nor filed any application for anticipatory bail. Hence, I find that, the custodial interrogation of the applicant is necessary for investigation. Considering that, his medical examination is required to be done and in view of the recovery alleged to be effected. I find that, the applicant is not entitled to get anticipatory bail. Hence, I pass the following order.

ORDER

01. Application is rejected.
02. Inform the concerned police station accordingly.

(Order dictated and pronounced in open Court.)

Date : 13/03/2026

**(S.R.Shinde)
Special Judge (POCSO)
Beed**

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original judgment/order.

Dictated on : 13/03/2026
Transcribed on : 16/03/2026
Checked & signed on : 18/03/2026

(A. R. Patil)
Stenographer Grade-2
Additional Sessions Court,
Beed.