

MHBI010015462026

**Cri.Bail Appln. No.445/2026****Mahesh Vishnu Misal
Vs.
STATE OF MAHARASHATRA****ORDER BELOW EXH.01**

01] This is an application filed for anticipatory bail as per section 482 of B.N.S.S. in Crime No.229/2026 registered by Georai Police Station, Dist. Beed for the offences punishable under section 74, 75, 78 of the Bharatiya Nyaya Sanhita, 2023 (In short 'B.N.S.') and Section 12 of Protection of Child From Sexual Offences Act, 2012 (In short 'POCSO Act').

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

Informant i.e. victim aged 14 years 10 months lodged F.I.R. on 16.04.2026 alleging that, since May-2025 the applicant Mahesh used to chase her on motorcycle while going to and returning from school. He used to blow whistle, take rounds around on motorcycle her house and shout her name. The informant did not tell about it to anyone. On one day, she found that, there were 5 to 6 missed calls on the mobile phone of her mother. When she called back on the said number she came to know that, it was applicant's mobile number. He told her that, he likes her, but the informant told him that, she does not like him. Thereafter, applicant started calling her and there was friendship between them. After 2 to 3 months, the informant came to know that, applicant was spreading rumours about her, causing her

defamation. Then, she stopped talking with him and had quarrel with him on phone. Then, the applicant again started harassing her. On 13.04.2026 at about 8.30 a.m. the applicant obstructed informant's way with his motorcycle and told her that, if she will not talk with him on phone, he will continue to harass her. He asked her to elope with him and visit his house alone. He threatened to defame her in the village. Then, the informant told about it to her parents. Hence, the F.I.R.

03] Applicant has claimed bail on the grounds that, he is innocent and has not committed any crime as alleged. According to the applicant, informant was having love affair with him which was not liked by her family members. Hence, the applicant was beaten mercilessly by informant's real brother and cousin on 13.04.2026. On that day, the applicant was taken to outpost at Madalmohi who referred him to Civil Hospital, Madalmohi, but the applicant was taken to Shivkamal Hospital at Beed on 14.04.2026. He was discharged on 15.04.2026 and after he recovered, he lodged F.I.R. on 17.04.2026 which is registered as Crime No.230/2026. Present false F.I.R. has been lodged to counter the F.I.R. lodged by the applicant. The applicant is permanent resident of the given address. He is ready to abide by the conditions that may be imposed and co-operate in investigation. On these grounds, he has prayed to grant anticipatory bail.

04] Prosecution has resisted the application by filing say at Exh.10. 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 applicant is granted 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. Offence is heinous, antisocial and against minor child. Investigation is in progress. On these grounds, prosecution has prayed to reject the bail application.

05] Informant has resisted the bail application by filing her say at Exh.9 on the grounds that, the crime is of serious nature. The accused and his relatives are threatening the informant to withdraw her complaint. If the anticipatory bail is granted to the applicant, the possibility of repeating same act by him cannot be ruled out. The victim is under mental stress. The possibility of tampering the evidence and pressurizing the witnesses cannot be ruled out. Investigation is in progress. Custodial interrogation of the applicant is necessary. On these grounds, she has prayed to reject the bail application.

06] Heard advocate for the applicant/accused, learned APP for the State and learned advocate for 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 sides, I find that, though Section 74 of B.N.S. is applied by the police there are no allegations regarding assault or use of criminal force by the applicant with an intention to outrage modesty of the informant. So far as Section

75 of B.N.S. is concerned, there are no allegations of physical contact and advance or demand for sexual favours or showing pornography or making sexually coloured remarks. Though, it was argued by the applicant's advocate that, the offence under Section 78 of B.N.S. i.e. stalking is not made out, on perusal of F.I.R., I find that, the informant had quarrel with the applicant on phone and stopped talking with him. This in itself is sufficient to give indication of disinterest. It has been specifically mentioned that, after the informant stopped talking with applicant, he started harassing her by chasing and abusing her and blowing whistles and in other manners. It is pertinent to note here that, there is no allegation against the applicant which establish the requirement of recovery or discovery from him. The punishment prescribed for the offence punishable under Section 78 of B.N.S. and Section 12 of POCSO Act is imprisonment which may extend to 3 years. Though, learned Prosecutor argued that, the motorcycle of the applicant needs to be seized, I find that, the seizure of motorcycle is not necessary for proving the guilt of the accused for the alleged offences. The number of motorcycle is not mentioned in F.I.R. The informant's advocate submitted that, the mobile phone of applicant needs to be seized. So far as this argument is concerned, I find that, there is no incriminating evidence in the data of the mobile phone of the applicant. Call details report can be obtained independently, without seizure of the applicant's mobile phone. His mobile phone number is mentioned in the F.I.R. Considering the age of the applicant, I find that, he is entitled to get anticipatory bail subject to requisite conditions. Hence, I pass the following order.

ORDER

01. Application is allowed.

02. In the event of arrest of Applicant **Mahesh Vishnu Misal** in Crime No.229/2026 registered by Georai Police Station, Dist. Beed for the offences punishable under section 74, 75, 78 of the Bharatiya Nyaya Sanhita, 2023 (In short 'B.N.S.') and Section 12 of Protection of Child From Sexual Offences Act, 2012, be released on his executing P. R. Bond of Rs. 50,000/- (Rs. Fifty thousand only) and one surety of like amount, on the following terms and conditions.

(a) Applicant shall attend Georai Police Station on every Sunday in between 11.00 am to 02.00 pm, till filing of charge-sheet w.e.f. 07/06/2026 and shall co-operate in the investigation.

(b) Applicant shall not indulge in any offence.

(c) Applicant shall not directly or indirectly contact and pressurize the informant, victim and prosecution witnesses and tamper the prosecution evidence.

(d) Applicant shall not enter in the area, lane and premises of house/ school of informant/victim till filing of charge-sheet.

(e) Applicant shall not leave the jurisdiction of the Court without prior permission of the Court till further order.

(f) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

03. Inform the concerned police station accordingly.

(Order dictated and pronounced in open Court.)

Date : 03/06/2026

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

:: CERTIFICATE ::

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Dictated on	:-	03/06/2026
Transcribed on	:-	-----
Checked & Signed on	:-	03/06/2026

(A. R. Patil)
Stenographer Gr-II
District Court - 2
Beed.