

**IN THE COURT OF THE ADDL. SESSIONS JUDGE AT AMBAJOGAI,
DISTRICT BEED**

Criminal Bail Application No. 102 of 2026

Govind s/o Nagnath Chate & Ors.

Versus

State of Maharashtra

ORDER BELOW EXH.1

1. A. Case Details

Crime No. 68 of 2026 is registered at Bardapur Police Station, Taluka Ambajogai, District Beed, for offences punishable under Sections 64, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006. The complaint has been lodged by the victim on 05.03.2026. As per the record, the occurrence is alleged to have commenced from 13.08.2024 and continued thereafter.

B. Role Ascribed to Applicant

Applicant No.1, Govind s/o Nagnath Chate, is alleged to be the principal accused. The victim has stated that she was acquainted with him since 2022, when she was studying in 9th standard, and that he used to follow her and express that he liked her and wanted to marry her. It is alleged that on 13.08.2024 at about 11.00 p.m., he called her out of the house, took her on a motorcycle, thereafter to Pune and then to Kolhapur, and on 16.08.2024 marriage rites were allegedly performed at Mahadeo temple by offering garlands. It is

further alleged that he thereafter subjected her to repeated sexual intercourse and threatened to kill her if she disclosed the facts. Applicant Nos.2 and 3, being his parents, are alleged to have beaten and abused her when she disclosed the facts to them.

C. Investigation Status

The applicants were arrested on 06.03.2026 and produced before the Court on 07.03.2026, whereafter they were remanded to custody. The medical papers and the say of the Investigating Officer are on record. The victim's medical examination and the supporting material have already been collected. The matter, at this stage, is to be considered on the basis of prima facie material only.

D. Criminal Antecedents

The application states that the applicants have no antecedents. No contrary material of previous conviction is placed on record at this stage.

E. Previous Bail Applications

The application states that no other bail application has been filed by the applicants in any other Court in India. There is no material before this Court to indicate any prior grant of bail in the present crime.

F. Coercive Process / Custody

2. Heard learned counsel for the applicants and learned Additional Public Prosecutor for the State. Perused the application, affidavit, say of the Investigating Officer, say of the learned APP, complaint, medical papers, and other material placed on record.

3. The applicants are presently in custody. The record does not show any issue of prior coercive process after arrest. The prosecution opposes their release on the ground that the applicants are in a position to influence the victim and witnesses and may misuse liberty.

4. Learned counsel for the applicants submits that the complaint is belated, false and concocted. It is argued that applicant Nos.2 and 3 are roped in only because they are the parents of applicant No.1. It is further submitted that there is no direct or indirect evidence against the applicants, that the investigation is almost over, that the applicants are permanent residents of the address mentioned in the application, and that they have no criminal antecedents. Learned counsel has specifically pointed out that on the same date when the so-called marriage rites are alleged to have taken place i.e. 16.08.2024, applicant No.1 had executed a sale deed, a copy of which is placed on record along with the list of documents, which clearly demonstrates that the applicant was transacting normal business affairs and could not have been involved in the alleged incident, thereby indicating that the present crime has been falsely registered only to counter-attack the applicants.

5. Learned Additional Public Prosecutor & IO strongly opposes the application vide Exh. 6 & 7. It is submitted that the offence is serious in nature, that the victim is a minor, and that the medical material supports the prosecution case. It is further submitted that the applicants, being close relatives of the victim, are in a position to influence, threaten or pressurize her and other witnesses, and therefore do not deserve the discretionary relief of bail.

6. The learned APP and the Investigating Officer have also placed reliance on the investigation papers. The material on record indicates that the victim is aged about 17 years and 6 months, and the medical report notes a history of forcible sexual intercourse, oral and penetrative, along with an old healed hymenal tear. The prosecution asserts that the victim's version is consistent and supported by medical evidence.

7. Victim is present before court and stated that bail may not be granted.

8. I have carefully considered the rival submissions and perused the material on record. At the stage of bail, this Court is not required to undertake a detailed appreciation of evidence, but it is necessary to examine the nature and gravity of the accusations, the prima facie material, the possibility of misuse of liberty, and the likelihood of influencing witnesses. Bail orders are required to be reasoned and should reflect judicial application of mind.

9. In the present case, the allegations against applicant No.1 are serious and supported by the complaint as well as the medical papers placed on record. The record prima facie discloses that the victim was a minor at the relevant time and that the acts alleged against applicant No.1 are grave in nature. The medical material further records the history of forcible sexual intercourse and an old healed hymenal tear. At this stage, therefore, a strong prima facie case is made out against applicant No.1, and his release on bail is not considered appropriate.

10. The contention raised by learned counsel for the applicants regarding the sale deed dated 16.08.2024 has been duly considered.

While the production of such document is noted, at the stage of bail this Court cannot enter into a detailed scrutiny to determine the authenticity, veracity or evidentiary value of the said document vis-a-vis the victim's version and medical evidence. Whether the sale deed ultimately falsifies the prosecution story or not is a matter for trial after full-dress appreciation of evidence from both sides. The mere production of such document at this stage does not, by itself, demolish the prima facie case emerging from the complaint and medical papers.

11. So far as applicant Nos.2 and 3 are concerned, the role attributed to them is not of principal offenders. The complaint merely states that when the victim disclosed the incident to them, they allegedly abused and beat her. There is no allegation that they were involved in the principal acts of abduction, marriage or sexual assault. No specific overt act is attributed to them in the FIR or investigation papers. The medical papers also do not implicate them directly. At this stage, their continued detention does not appear necessary for the purposes of investigation, particularly when applicant No.1 is remaining in custody and the material against them is not as strong as against applicant No.1.

12. The contention regarding delay in lodging the complaint has been considered. While it is not decisive against the prosecution case at this stage, it does create some doubt about the reliability of the allegations against applicant Nos.2 and 3, who have been implicated only as parents.

13. The submission that the investigation is almost complete also supports the case of applicant Nos.2 and 3. Even after arrest and remand, the Court must consider whether their continued detention is

necessary. Having regard to their peripheral role, age (applicant No.2 aged 55 years and applicant No.3 aged 50 years, as per the application), and the fact that they are permanent residents, the balance tilts in favour of their release subject to stringent conditions.

14. The Court is conscious that liberty is a valuable right and that pre-trial detention cannot be ordered as a matter of routine. While the gravity of the offence and the vulnerability of the victim weigh heavily against applicant No.1, the material against applicant Nos.2 and 3 does not warrant their continued incarceration at this stage. Their release on bail, with strict conditions to ensure non-interference with the victim or witnesses, would meet the ends of justice.

15. In the result, the application is partly allowed in respect of applicant Nos.2 and 3. Hence, I proceed to pass following order.

ORDER

1. The Criminal Bail Application No. 102/2026 is partly allowed.

2. The bail application in respect of applicant No.1, Govind s/o Nagnath Chate, stands rejected.

3. Applicant Nos.2 and 3, namely Nagnath s/o Namdeo Chate and Bhagubai w/o Nagnath Chate, are directed to be released on bail in Crime No. 68 of 2026, P.S. Bardapur, Taluka Ambajogai, District Beed, for the offence punishable under Sections 64, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 on executing a

P.R. bond of Rs.25,000/- (Rupees twenty-five thousand only) each with one surety of the like amount.

4. Conditions are as follows.

a) Applicants/accused are directed to remain present before the Court on every date and in emergency if he will not be able to present before the Court then he shall request for exemption of his personal attendance by filing application through his advocate.

b) They shall not tamper prosecution witnesses and co-operate with the investigation.

c) They shall submit a list of at least 3 blood relatives with their detail residential and place of work addresses and produce documentary proof of showing the correctness of the details produced by them.

d) They and their surety must necessarily inform the police authority as well as Court the change of their residential address while the accused are on bail.

e) They shall submit copies of at least two documents amongst the following:-

(i) passport, (ii) PAN card, (iii) Bank passbook, (iv) Credit Card with photograph, (v) Ration Card, (vi) Electricity bill, (vii) Land-line telephone bill, (viii) Voter ID Card and (ix) property tax register.

f) They shall report once in a week to the concerned police and once in a month to the Court where case is pending during the pendency of trial after the charge-sheet is filed.

g) Applicants/accused to take note that whenever he will re-arrest after he had absconded or whenever he was arrested after warrant was issued to his non appearance pursuant to the summons, he shall not be released on bail without special reason recorded by Court.

h) The breach of any of the condition will entail for cancellation of bail.

i) They will not involve in any crime in future.

5. The applicants/accused shall cooperate with the investigation and shall remain present before the Investigating Officer as and when called.
6. The applicants/accused shall not leave India without prior permission of the Court.
7. In view of Judgment passed in SMW (Cr) No. 04 of 2021 in Re: Policy Strategy for grant of bail, copy of this order be sent to the concern Judicial Magistrate, F.C. and Jailor, Beed.
8. Hamdast allowed.

Dt. 31/03/2026

(Dr. Rachna R. Tehra)
Additional Sessions Judge,
Ambajogai.

Certificate

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

Dictated on : 31/03/2026

Transcribed on : 31/03/2026

Checked and signed on : 31/03/2026

Sd/-
(Kailas D. Chavan)
Stenographer