

MHBI180000872026

**ORDER BELOW EXH. 4****State of Maharashtra****V/s.****Laxman @ Sagar Nivrutti Waghmare**

This is an application for bail filed under Section 483 of BNSS by accused /applicant Laxman @ Sagar Nivrutti Waghmare in Crime No. 315/2025 for the offence punishable under Sections 65(1) of B.N.S. 2023 and under Section 4 and 6 of the POCSO Act registered at Police Station Yusufwadgaon, Dist. Beed.

2. Brief facts of the case are that the victim is 12 years old girl is the sister of the first informant. The first informant along with her family was doing the work of sugarcane cutting at the spot of incident. The wife of accused was also doing the work of sugarcane cutting there. The victim was residing with the first informant at the said work place. At about 10:30 p.m., of 15/12/2025, when the victim was alone in the hut, the accused came there and committed the forcible penetrative sexual assault. The victim narrated the incident to her sister. Thereafter, FIR has been lodged. Accused has been arrested on 18/12/2025 and presently, he is in judicial custody.

3. It is submitted that the present applicant is nowhere concerned in the crime. There is a delay in FIR. He has been falsely implicated due to dispute with his wife and the first informant is the relative of his wife. Charge-sheet is filed before the Court. Presently, investigation is almost completed,

therefore, his custodial interrogation is not required. He is ready to abide the condition imposed by the Court. Hence, prayed to grant bail.

4. Notice was issued to state. APP filed reply. I.O. filed his report. The first informant and victim filed pursis and adopted the say of prosecution. As per APP, if accused is released on bail, he may commit or repeat similar offence as well as threatened the witnesses. Applicant may not be available for trial. Hence, prayed to reject the application.

5. Heard both side at length. After going through the charge-sheet, it appears that the victim is 12 year old girl. The accused is 32 years old married person. The police paper including medical report at this stage shows that the allegations regarding penetrative sexual assault are true. In such circumstances, there is a presumption against the accused. Nothing came on record which may suggest rebuttal of the presumption under Section 29 of the POCSO Act. In such circumstances, accused is not entitled to release on bail. Hence, I proceed to pass following order.

### **ORDER**

The bail application Exh. 4 is hereby rejected.

(Dictated and pronounced in open Court).

Date : 25.03.2026.  
Place: Kaij.

(S. B. Bhajipale)  
Spl and Addl. Sessions Judge,  
Kaij

CERTIFICATE

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

(G. N. Ghayal)  
Steno Grade-1

Dictated On : 25.03.2026.  
Transcribed on : 25.03.2026.  
Checked & signed on : 25.03.2026.