

IN THE COURT OF HON'BLE ADDL.SESIONS JUDGE AT KAIJ

Criminal Bail Application No. 53 /2026

**Applicant :- Rakesh s/o Atul Gaisamudre, @
Rokki Mahendra Hoke
Age 19 years, Occup. Education,
R/o Veer Pandurang Chouk,
Kasba Vibhag Dharur, Tq.Dharur,
Dist. Beed.**

Versus

**Respondents :- 1] State of Maharashtra
2] A.B.C. Detail name and address
mentioned in FIR.**

Crime No. :- 35/2026

Police Station: Dharur

**Offence U/Sec: 74,79,118(1),115(2),352,351(2),351(3) of
B.N.S., 2023 r.w. Section 8,12 of
POCSO Act, 2012.**

Petition U/s. 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

FIRST BAIL PETITION

Respected Sir,

The prosecution story runs as under-

I] Respondent No.2 lodged report at Police station Dharur to the effect that she is age 17 years 06 months old and residing along with her parents and does household work.

It is stated that on 09/02/2026, at around 04.00 am. when her younger sister, went to fill the water tap near the house in the

village, applicant came to her and said her that he had watched their videos, if you are interested come with him, and left from there. When she told her what happened later, respondent No.2 and her younger sister went to ask him, he started abusing them. They said, don't abuse them. It is alleged that applicant grabbed her left hand and dragged her. Applicant beat on her leg with a stick. He pulled her sister's clothes and pushed her, slapped her and grabbed her hand and dragged her. He picked up a stone and hit her. They both returned home scared. After some time, when her parents came home, she told them what had happened. When her father went to ask applicant, he also abused her father. He grabbed her father's hand and took bit of his index finger and stated that if he go to the police station and give a statement against him, he will also file a complaint against him. He threatened to kill them because they can't do anything to him. On the basis of such kind of complaint police registered offence.

That the incident of altercation was occurred. Thereafter police visited the house of applicant and made enquiry about him. The name of the applicant is incorrectly mentioned in the FIR. His correct name is mentioned in title clause. He apprehend his arrest at the the hands of police hence filing this petition for grant of anticipatory bail on following amongst many other grounds.

GROUND OF BAIL

1. That the applicant is falsely roped in this crime.
2. That the applicant had not committed any crime as alleged.

3. That in order to take revenge and teach lesson to the applicant and his family, respondent has given exaggerated statement before police with intent to harass applicant and ulterior motive.
4. That there is no eye witness to the alleged incident.
5. That the water tap is a public water tap. There were number of persons always present to fill the water from the said water tap.
6. That there was no cordial relation between the family of applicant and informant /respondent No.2. Therefore there was occasion to see the Video's of informant. Such allegations are false, concocted and baseless. They are picked up to lodge false report against the applicant.
7. That this applicant never abused to the respondent No.2, her younger sister and her father.
8. This applicant neither assaulted nor caught hold hand of respondent No.2 and her younger sister, pushed her and slapped.
9. That this applicant never rushed on the person of respondent No.2.
10. That this applicant not took bite to the index finger of father of respondent No.2.
11. That the respondent No.2 has not stated specifically that in what words or language or manner in which applicant abused or threatened to kill them. It is no enough merely to state that

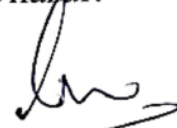
- accused abused and threatened to kill.
12. That the respondent No.2 has not specifically stated while lodging the report that this applicant assaulted or use of criminal with intent to outrage her modesty.
 13. That similarly there is no allegation against the applicant that with intent to insult the modesty of respondent No.2 or her younger sister applicant utter any words. Therefore the ingredients of Section 74 and 79 of B.N.S. are not attracted against the applicant.
 14. That this applicant has not voluntarily caused simple or grievous hurt to the respondent No.2 or her younger sister. He has not took bite to the index finger of father of respondent No.2. Similarly there is no specific allegation about criminal intimidation by threatening to cause death.
 15. There is no absolutely no evidence to indicate that applicant had committed such assault.
 16. A bare perusal of the FIR shows that core allegations pertain to alleged hand holding, followed by a slap and threat, which though undesirable, do not reflect any grave or heinous act that would justify custodial interrogation. Sections invoked 74,79,115(2),118(1), 351(2),351(3) of BNS 2023 & 8,12 POCSO are triable by Magistrate (except POCSO) and investigation can proceed without custodial arrest.
 17. That now a days in view of gravity of offence, false cases are filed with ulterior motive.

18. That, the present complaint being false and frivolous and being vexatious one, the applicant needs to be protected by granting a relief of bail.
19. That considering the allegations no custodial interrogation of the applicant is required. No recovery to be effected from the applicant. Police can investigate crime in absence of applicant also.
20. That if the applicant is arrested his reputation will malign in the society. Alleged crime is not of serious and grave nature.
21. That the applicant is permanent resident of Dharur. His parents possess immovable property and deep roots in the society. Therefore, there are no chances of his absconding or evading process of law.
22. That the applicant is ready to abide any conditions while releasing on anticipatory bail. He will appear before police and assist in investigation as and when directed.
23. The applicant will not tamper or hamper prosecution evidence.
24. That no fruitful purpose would be served by detaining the applicant and keeping him in jail.
25. Mere gravity of offence cannot be ground to deny bail.
26. That the applicant is student and taking education in 12th standard. These are the days of examination.
27. That if the applicant is arrested then his future career will be spoiled and he will not get Government job in future.

28. That, other points will be argued at the time of argument and taking into consideration of the facts and circumstances it is just and necessary to grant anticipatory bail to the applicant.
29. That the applicant craves leave to add, alter or amend new grounds of bail.

IT IS THEREFORE, PRAYED THAT,

That application may kindly be allowed & the applicant may kindly be released on bail in the event of his arrest in Crime No.35/2026 registered at Police Station Dharur.



(D.B.Ingle)

Advocate for applicant

Place :-Kaij.
Date :-17.02.2026

Order 18-02-2026
Issue notice to State and informant
and call their say.

ASJ Kaij