

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
BULDHANA

(Presided over by **Shaikh Akbar Shaikh Jafar**)

MHBU010010182026 	<u>Criminal Bail Application No.</u> <u>166/2026</u>
-	Sampat Shivram Jadhav, ..Versus.. State of Maharashtra

ORDER BELOW EXH.1

(Passed on this 25th day of June 2026)

1] This bail application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita for release of applicants/accused on anticipatory bail.

2] As per the F.I.R., the informant lodged report to the police station contending that on 30.5.2026 at about 7.30 to 8.00 a.m. his daughter i.e. minor victim girl aged about 7 years was going home along with grand-father on Scooty. While they were proceeding by the road, applicant met them. Grand-father of victim made him to sit on Scooty. Therefore, he sat behind victim on the Scooty. While proceeding on Scooty, applicant inserted his hand into Tea-shirt of victim and moved on her breast. He also moved his hand on pant of victim. After coming home, victim narrated said fact to her mother. On the basis of complaint lodged by informant, Crime No.467/2026 for the offences punishable under Sections 74, 75 of the Bharatiya Nyaya Sanhita and Sections 8,12 of the POCSO Act came to be registered against applicant.

3] It is the contention of applicant that he is no way concerned with the alleged offence. He is falsely implicated in the present crime. Informant has lodged false report against him. He is innocent. He has not committed any offence. However, due to registration of offence, he is having apprehension of his arrest. Considering the allegations, custodial interrogation of applicant is not necessary. He is ready to abide by the conditions if released on bail. Hence, prayed to grant anticipatory bail.

4] Learned APP Shri Kesale resisted the application by filing reply Exh.9 and contended that offence is against minor victim girl. Offence is made out against the applicant which is serious. Investigation is in progress. If the applicant/accused is granted anticipatory bail, he may tamper with the prosecution evidence and may commit similar type of offence. Lastly, prayed to reject the bail application.

5] Informant opposed the bail application by filing reply at Exh.10 reiterating the allegations made in F.I.R. It is submitted that if the applicant/accused is granted anticipatory bail, he may threaten to victim. Lastly, informant prayed to reject the bail application.

6] Heard rival parties at length. Perused case diary. On perusal of FIR, it appears that applicant while proceeding on Scooty, inserted his hand into Tea-shirt of minor victim girl and moved on her breast. So also, he moved his hand on her pant. The prosecution

has recorded statement of victim as per the provisions of Sec.183 of BNSS, wherein victim has reiterated all the allegations made in the complaint. The statement of parents of the victim under Section 183 of BNSS are also corroborating her version. Thus, prima facie, accusation against applicant is well founded.

7] While dealing with the application of anticipatory bail, the Court has to assess the gravity of alleged crime, in case of serious offences, anticipatory bail should not be granted. The anticipatory bail may be granted when applicant succeeds to demonstrate that he has sufficient reason for false implication. In the instant case, the applicant is facing allegation of commission of serious offence and nothing is on record to show that he is falsely implicated in this case. At this stage, having found accusation against applicant is well founded, he is not entitled for anticipatory bail.

8] It is to note that when the Investigating Officer tried to secure his presence for investigation, the relatives of applicant have filed missing report of applicant with the police station. Thus, the conduct of applicant has to be considered. At this stage, he appears to reluctant to co-operate with the Investigating Officer. The investigation is still in progress. Hence, I do not find appropriate to release accused on anticipatory bail.

9] In view of above discussion, applicant/accused is not entitled to claim anticipatory bail. Consequently, his application is

liable to be rejected. Hence, I proceed to pass the following order.

ORDER

Bail application [Exh.1] stands rejected.

Buldhana
Date: 25.6.2026

(Shaikh Akbar Shaikh Jafar)
Additional Sessions Judge,
Buldhana