

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE,</u> <u>KHAMGAON, DISTRICT BULDANA</u> Present: Amit P. Kokare, Additional Sessions Judge.	
MHBU040009742026  <u>Criminal Bail Application No. 249/2026</u>	
<u>Applicant/ Accused</u>	Saurabh Dipak Hatkar Age- 20 years, Occupation- Education, r/o. Bhendi, Tq. Barshi Takli, District Akola.
Represented by	Mr. G. S. Kapde, Ld. Advocate.
<u>Respondent/ Prosecution</u>	State of Maharashtra, Police Station Sonala, Tq. Sangrampur, Dist. Buldhana
Represented by	Mrs. R. A. Als, Ld. APP

Order below Bail application Exh. 01.

(dated 24/06/2026)

A. Case Details :-

FIR Number and Date	163/2026, dated 08/06/2026
Police Station, District and State	P. S.- Sonala, District- Buldhana, State - Maharashtra.
Sections invoked	74, 75, 78, 49, 3(5) of the BNS, 2023 and 8, 12, 17 of the POCSO Act.
Maximum punishment prescribed	Upto Five years

B. Custody and Procedural Compliance :-

Date of Arrest	---
Total period of custody undergone	---

C. Status of Trial :-

Stage of proceedings (Investigation/Charge-sheet/Cognizance/Framing of Charges/Trial)	Under investigation
Total number of witnesses cited in the charge-sheet	Yet charge-sheet is not filed
Number of prosecution witnesses examined	For want of charge-sheet yet to determine

D. Criminal Antecedents :-

FIR No. and Police Station	Not provided by prosecution, if any
Sections	---
Status (Pending/Acquitted Convicted)	---

E. Previous Bail Applications :-

Court	Nil
Case No.	Nil
Outcome of Case	Nil

F Coercive Processes :-

Whether any Non-Bailable Warrant was issued	No
Whether declared a proclaimed offender	No

This is the first application by the accused under section 482 of the BNSS for grant of anticipatory bail.

02. The notice was issued to the APP/I.O. and the informant. In turn the APP and I.O. have filed their common reply as per Exh. 06 and strongly opposed the application.

03. The informant has filed say through her Ld. advocate at Exh. 09 and has raised strong objection to release the accused on bail.

04. Heard Ld. APP, Ld. Advocate for the accused. Perused the application, say and case diary.

05. In nutshell, the allegation against the present accused age 20 years is that he abetted the main accused Prathamesh Mahale in the commission of offence. The allegations against the Prathamesh Mahale is that he followed the victim and in the bus caught hold her hand and constantly touched her body. The allegation against the present accused Saurabh is that he and other accused persons helped the main accused Prathamesh to commit an offence. Hence, on these allegations FIR is filed against the accused by the victim under sections 74, 75, 78, 49, 3(5) of the BNS, 2023 and 8, 12, 17 of

the POCSO Act.

06. Informant in her say Exh. 09 has reiterated the contents of the FIR. According to her, if the accused is released on bail he may again commit the same offence against her and further he will harass her.

07. The I.O./APP in their common say Exh. 06 have stated that I.O. has to recover motorcycle used in the offence. He has to carry out investigation as to whether other persons were also involved in the commission of offence. If the accused is released on bail he will pressurize prosecution witnesses. Hence, on these grounds I.O./APP have requested to refuse the anticipatory bail to the accused.

08. The maximum punishment provided for offences registered against the accused is five years. On perusal of FIR, the role attributed to the present accused is that he was standing near the victim in the bus. It is clear from the contents of the FIR that the present accused has not touched or followed the victim with sexual intent. On perusal of remand report dated 09/06/2026 investigating officer had requested for judicial custody of the main accused and other arrested accused persons on very first day of remand. Therefore, physical presence of the present accused with police is not necessary. Admittedly the present accused was not driving the motorcycle. Therefore, the question of recovery of motorcycle from the present accused does not arise. Moreover, in the FIR itself the victim has

disclosed the name and number of the accused persons. Therefore, presence of the present accused with the police is not required to disclose if other persons were also involved in the offence. The case diary discloses that statement of informant is recorded under section 183 of the BNSS. Apart from the main accused, other accused persons are released on regular bail. The only ground on which informant and the I.O./APP are resisting the bail application is with respect to possibility of accused threatening and pressurizing informant and witnesses.

09. Therefore, taking into consideration the maximum punishment, role of present accused, his age and the fact that on the first day itself investigating officer sought judicial custody of the other arrested accused persons, the accused is entitled for release on anticipatory bail. The apprehension raised by informant, I.O./APP can be taken care of by imposing appropriate terms and conditions while releasing the accused on bail.

10. Under such circumstances the present application is liable to be allowed. Hence, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. The anticipatory bail is granted to applicant/accused Saurabh Dipak Hatkar, in connection with Crime No. 163/2026, Police Station Sonala.

3. In the event of arrest of applicant/accused, shall be released on executing the PR bond of ₹25000/- and on furnishing the surety in like amount.
4. The applicant/accused shall not contact, threaten or pressurize prosecution witnesses in any manner.
5. The applicant shall not enter the limits of village Bawanbir and Sangrampur Taluka, Dist. Buldhana, till filing of charge-sheet.
6. The applicant shall not pressurize, threaten the informant on her way to college from Bawanbir Bus Stand to Shegaon road.
7. The applicant shall attend the concerned police station on every Monday and Friday between 11.00 a.m. to 02.00 p.m. for investigation till filing of charge-sheet, and he shall co-operate with the investigating officer for investigation.
8. Case diary be returned to the I.O.

Place: Khamgaon.
Date: 24/06/2026.

(Amit P. Kokare)
Additional Sessions Judge,
Khamgaon, Dist. Buldana.

Certificate

I affirm that the contents of this PDF file order as correct word to word as per the original order or Judgment.

Name of the Court : Adhoc DJ-1 and ASJ, Khamgaon.

Name and designation : A. A. Tholbare, Stenographer (Grade-2)

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