

CNR No.MHCH010027322025.

ORDER BELOW EXHIBIT-9-A

(Passed on 07.08.2026)

This is successive bail application u/s.480 read with section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail in connection with Crime No.609/2025 registered with City Police Station, Chandrapur against the applicant/accused **Vijay @ Vicky Shankar Kuwariwale** for the offences punishable under sections 64 (2) (i), 64 (2) (m), 65 (1) of Bharatiya Nyaya Sanhita, 2023 r/w sections 4, 6 and 12 of the POCSO Act and sections 66 (e) and 67 (b) of the Information Technology Act, 2000.

2. It is the story of prosecution that, on 22.08.2025 the victim who is a minor girl of 15 years and 9 months lodged report with City Police Station, Chandrapur stating therein that she is studying in 10th standard. The accused is residing in his maternal uncle's house which is adjacent to her house. She is friend of sister of accused. Hence, they were on visiting terms to the house of each other. She knows the accused since 3 years. She used to call as brother 'Dada'. When she visits the house of accused he used to make bad touch to her. In the month of April, 2025 at about 1.00 p.m. accused told her that his aunt is calling her. Hence she went to the house of accused. Nobody was present there at that time. Accused was only present there. At that time accused hugged her and said to her that he want to live with her for life time. Thereafter he gave water to her for drink. Thereafter she became unconscious. After some time she gained consciousness and went to her house. She did not understand what was done by the accused with her at that time. After 15 days of this incident the accused again called her to his house saying that his aunt is calling her. She went to his house but

at that time also nobody was present there and the accused was alone present in the house. At that time accused showed her a video in his mobile of performing sexual intercourse with her by the accused. He threatened her to make the said video viral and committed forcible sexual intercourse with her. For 3 to 4 times the accused committed forcible sexual intercourse with her by giving threats of making viral the said video. Due to fear she did not disclose this incident to anybody. On 20.08.2025 she was not feeling well therefore she along with her mother went to the hospital. Doctor told her that due to sexual intercourse she had urine infection. Thereafter she disclosed entire incident to her mother and lodged this report.

3. Learned Adv. R.P. Rangari appearing for the applicant/accused argued that, the applicant is a permanent resident of Chandrapur District. The applicant is only earning member of his family. He has no criminal antecedents. The police have seized the mobile handset of the accused and upon search nothing has been suspicious material found in his mobile. The applicant is innocent and falsely implicated in this crime. The applicant is innocent and is not involved in the said crime. The applicant/accused has been arrested on 23.08.2025 and since then he is behind bar. He is ready to abide by all conditions imposed by this Court. Hence, prayed to allow the bail application.

4. The learned APP Shri A.S.Sheikh filed his say overleaf the application and strongly opposed the application. It is contended that, this is a second bail application and there is no change in circumstances for grant of bail. All the points are considered in earlier application. The grounds mentioned in the application are not feeble to consider the second bail application. Hence, prayed to reject the application.

5. The victim/informant in response to the notice of the bail application appeared and filed her say vide Exh.10 and strongly opposed the application. She contended that, the accused is of criminal nature. If the accused is released on bail, it may cause danger to her life. She has requested to reject the bail application of the accused.

6. Heard learned counsel for the applicant/accused. He argued that, mobile of accused was seized by the police but no such video or photos found in it as alleged by the victim. Already charge-sheet is filed in this court as investigation is completed. It was further contended that he is ready to abide by each and every terms and conditions imposed by this court. It was urged to grant bail to accused/ applicant.

On the other hand, the learned APP Shri Shaikh, opposed the bail application with a submission that, there is a prima facie incriminating material against the applicant/accused. He urged to reject the application.

7. I have given careful consideration to the arguments advanced by both sides, perused the documents of charge-sheet, and the objection filed by learned APP. The core issues for determination is whether the applicant is entitled for bail.

8. The accusations against the applicant/accused are serious in nature under Sections 64(2)(i), 64(2)(m), and 65(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS), alongside Sections 4, 6, and 12 of the POCSO Act, and Sections 66(e) and 67(b) of the Information Technology Act, 2000. The victim is a minor girl aged 15 years and 9 months. The allegations involve penetrative sexual assault, blackmail using recorded videos, and continuous threats. The minor victim and the prosecution have expressed strong apprehensions that the applicant lives in the

immediate neighbourhood (adjacent to the victim's house). If released on bail, there is an imminent danger of tampering with prosecution evidence, influencing witnesses, and a direct threat to the safety and psychological well-being of the minor victim.

9. It is pertinent to mention here that, the filing of a charge-sheet does change the status of the investigation, it does not automatically dilute the *prima facie* case or the heinous nature of the crime, especially under the POCSO Act where Section 29 creates a legal presumption of guilt against the accused. The defence's argument that no incriminating video was found on the seized mobile handset cannot be considered a conclusive proof of innocence at this stage. Digital evidence can be deleted, transferred, or stored remotely. This aspect is a matter of trial and cannot override the detailed, specific statement of the minor victim recorded under Section 183 of the BNSS (corresponding to Section 164 of the CrPC). The medical evidence (urine infection consistent with sexual trauma) and the consistent statement of the minor victim establish a strong *prima facie* case against the applicant. The grounds raised by the applicant fail to establish any compelling change in circumstances that would warrant overriding the safety of the victim and the integrity of the upcoming trial. The societal impact of crimes against children requires a cautious approach. Consequently, this court finds no merit in the present application so the application deserves to be rejected. Hence, the following order:

ORDER

- [1] The Criminal Bail application vide Exh.9-A filed by applicant **Vijay @ Vikki Shankar Kuvariwale** stands rejected.
- [2] Observations made in this order are limited to the disposal of

this bail application and shall not affect the evaluation of the case on its merits during the trial.

- [3] Copy of order be forwarded to Superintendent of Jail, Chandrapur.
- [4] Application is disposed of accordingly.

[Directly dictated on computer and pronounced in open court.]

Date : 07.08.2026.

(Smt. I. A. Shaikh/Nazir)
Judge, Special Court under
POCSO Act, Chandrapur.