

**Criminal Bail Application No.109/2026**

(CNR-MH-DH-01-000476-2026)

Nilesh Sukram Chaudhary.

.... Applicant.

-versus-

The State of Maharashtra.

.... Respondent.

**Order Below Exh.1**

Accused has sought regular bail under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.226/2025 registered with Pimpalner Police Station, for the offences punishable under Sections 137(2), 64(1) of Bhartiya Nyaya Sanhita, 2023 and section 3, 4, 5(L), 6 of POCSO Act.

2] Brief facts of the prosecution case are as under;

On 09/10/2025 informant/victim's father lodged FIR that on that they all slept at about 10:00 p.m. On 11:00 p.m. when informant woke up for drinking water, he did not find victim beside her mother. Therefore informant and his wife searched for the victim at nearby places and at the house of their relatives, but she was not found. Thereafter informant lodged report of kidnapping against unknown person. On 21/01/2026 victim and accused came to Pimpalner. On 22/01/2026 victim stated before police that, on 06/10/2025 accused met her and told her to be ready at 10:00 p.m. he will be waiting for her as they have to elope. Therefore victim went there and she eloped with accused on motorcycle. They both went to Ahva, then to Khed Dist. Pune. They stayed therein in Nighoj in a room. After some days, they both went to village Devla in the field of

one Ganu Dada. There accused committed sexual intercourse with her from time to time. Thereafter accused again took her to village Nighoj. When victim told the accused to take her back to home, he took her to the field of Ganu Dada at village Devla and he again established physical relations with her. Thereafter on 21/01/2026 they returned to Pimpalner. On these allegations F.I.R. was lodged against accused vide section 137(2), 64(1) of Bhartiya Nyaya Sanhita, 2023 and section 3, 4, 5(L), 6 of POCSO Act. Applicant was arrested on 22/01/2026 and since then he is in custody.

3] The State has opposed bail application on various grounds.

4] Ld. Advocate Shri. N. G. Dusane for the applicant submitted that, the applicant is innocent and he has been falsely implicated in this crime. The offences are not punishable with extreme penalty. The ingredients of the alleged offences are not made out against the present applicant. The victim was major at the relevant time. She did not inform the incident to her parents or police or anybody else during the period of 06/10/2025 till 22/01/2026, which shows that she was consenting party. Victim and applicant were having love affair. The investigating agency sought M.C.R. of the applicant, which indicates that require custody of applicant. Investigation in the crime is practically completed. Nothing is to be recovered from the applicant. Applicant is 19 years old. He is a poor labourer and sole earning member of his family. He is ready to abide by the conditions imposed by the Court.

5] Ld. Special P.P. has submitted that allegations against the accused are serious. Investigation is under progress. Charge sheet is not yet filed. Therefore he has prayed to reject this application.

6] The informant has appeared before the Court personally. He has filed his say at Exh.5. He has strongly objected the present application.

7] On perusal of the documents filed by the State and considering the submissions made by the learned advocate for the applicant/accused, it appears that the offence punishable under Section 137(2), 64(1) of Bhartiya Nyaya Sanhita, 2023 and section 3, 4, 5(L), 6 of POCSO Act has been registered against the applicant. The investigation papers reveal that the victim was having love affair with accused and she left the house of her father voluntarily. Further it appears that applicant has already been arrested on 22/01/2026 and since then he is in custody. The record further shows that the substantial part of the investigation has been completed and the only formality remaining is the filing of the charge sheet. At this stage, nothing remains to be recovered or discovered at the instance of the accused.

8] It is also pertinent to note that the continued incarceration of the applicant is not necessary for the purpose of further investigation. The prosecution has not pointed out any material to indicate that if the accused is released on bail, he would abscond or tamper with the prosecution evidence. The offences alleged are undoubtedly serious in nature, however, seriousness of the accusation

alone cannot be a ground to continue detention once the investigation is practically over. Bail is the rule and jail is the exception, and the liberty of a person cannot be curtailed indefinitely unless it is shown that his release would be detrimental to the fair course of trial. Considering these aspects, and balancing the nature of the allegations with the stage of investigation, I am of the view that the applicant does not require further custodial interrogation and that by imposing appropriate conditions, the apprehension of the prosecution can be taken care of. Therefore, the applicant is entitled to be enlarged on bail. Hence, I pass the following order.

### **ORDER**

- 1] The application is allowed.
- 2] The applicant Nilesh Sukram Chaudhary is released on bail for the offence punishable under sections 137(2), 64(1) of Bhartiya Nyaya Sanhita, 2023 and section 3, 4, 5(L), 6 of POCSO Act, in crime No. 226/2025 registered with Pimpalner Police Station, Dhule, on PR. Bond of Rs.25,000/- (Rs. Twenty five thousand only) with one local surety in like amount, on the following conditions :-
  - a) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court.
  - b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the evidence.
  - c) The applicant shall not leave India without permission of the Court.

- d) The applicant shall not change his residential address without prior intimation to the Investigation Officer and to the Court.
- 3] A soft copy of this order be sent to accused Nilesh Sukram Chaudhary by E-mail through the Superintendent of Jail, Dhule in view of directions of Hon'ble Supreme Court in Suo Moto W.P (Cri) No. 4/2021 (SC) dated 03.01.2023.

Date:- 12.03.2026.

[ Yasmin G. Deshmukh ]  
Addl. Sessions Judge, Dhule.

**Certificate**

I certify that the contents of this PDF file are word to word as per Original Judgment/order.

Name of the Steno : T.R.Pankhedkar.  
Name of the Court : Court of District Judge-3 & Addl. Sessions Judge, Dhule.  
PDF Uploading Date : 12-03-2026.

Sd/-...

Stenographer(Gr-I).