

Criminal Bail Application No.112/2026

(CNR-MH-DH-01-000479-2026)

Dipak Kantilal Thakre. Applicant.

-versus-

The State of Maharashtra. Respondent.

Order Below Exh.1

Accused has sought regular bail under Section 483 of Bhartiya Nagarik Suraksha Sanhita in connection with Crime No. 20/2025 registered with Pimpalner Police Station, Dist. Dhule for the offences punishable under Sections 376(1), 376(2)(n) of I.P.C. and section 3, 4, 5(L), 6 of POCSO Act.

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

On 20/06/2024 informant/victim lodged FIR that in the year 2024 she got acquainted with accused. Later on, their friendship tuned into love affair. Accused started visiting informant's house and her agricultural field to meet her frequently. During April-2024 to May-2024 accused committed forcible sexual intercourse with victim at her home for 4 to 5 times under pretext of marriage. Thereafter victim stopped talking with the accused. Thereafter victim missed her menstrual cycle for 4 to 5 months. On 04/02/2025 at about 02:00 a.m. victim was having pain in her stomach, therefore her father took her to Suhari Hospital, Pimpalner. During that time, a fetus was expelled from her womb in the bathroom of the said hospital. At that time she came to know that she was pregnant. Thereafter she was referred to Rural Hospital, Pimpalner and then to Civil Hospital,

Dhule. On these allegations F.I.R. was lodged against accused vide Section 376(1), 376(2)(n) of I.P.C. and Section 3, 4, 5(l), 6 of POCSO Act. Applicant was arrested on 26/01/2026 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 is falsely implicated in the offence. Victim was not minor at the relevant time. Victim and applicant were in love with each other and the family members of victim were opposing said relations therefore they compelled the victim to lodge false F.I.R. There is huge delay in lodging F.I.R. The investigation in the offence is practically completed. Charge-sheet is filed. Nothing incriminating is to be recovered from the applicant. Applicant is 21 years old youth and he is sole earning member of his family. He has no criminal antecedents. He is ready to abide by the conditions imposed by the Court.

5] Ld. Spl. P P Shri. N. B. Kalal has submitted that allegations against the accused are serious. Custodial interrogation is necessary. Investigation may be hampered. It is submitted that, there are specific allegations against the applicant. Therefore he has prayed to reject this application.

6] Victim appeared before the Court in person. She has filed her say vide Exh.7 and has given no objection to grant bail.

7] On perusal of the documents filed by the State and considering the submissions made by the learned advocate for the applicant it appears that an offence punishable under section 376(1), 376(2)(n) of I.P.C. and section 3, 4, 5(1), 6 of POCSO Act has been registered against the applicant. The investigation papers reveal that the victim was having love affair with accused. Further it appears that applicant has already been arrested on 26/01/2026 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

01. Application is allowed.
02. The applicant Dipak Kantilal Thakre, be released on bail in connection with Crime No.20/2025 registered with Pimpalner Police Station, under Sections 376(1), 376(2)(n), of I.P.C. and section 3, 4, 5(1), 6 of POCSO Act., on executing PR bond of Rs.25,000/- (Rs. Twenty Five thousand only) with one local surety for the like amount on the following conditions :-
- Applicant shall make himself available for interrogation by a police officer as and when required.
 - 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 or to any police officer.
 - Applicant shall not leave India without permission of the court.
03. A soft copy of this order be sent to accused Dipak Kantilal Thakre, 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).