

MHGA010000942026



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE AT
GADCHIROLI**

(Presided over by Shri P. V. Chatur)

Special (POCSO) Case No.09/2026

State -vs - Dhananjay @ Golu

Dhananjay alias Golu Raju Borkar

Age: 26 yrs, Occupation : Labour

R/o Wadhona, Tah- Nagbhid

Dist- Chandrapur.

.... **Applicant**

...Versus...

State of Maharashtra

Through Police Station Officer,

P.S. Kurkheda, Tah-Kurkheda

Dist- Gadchiroli.

.... **Non-applicant**

.....

Order Below Exh.07

(Passed on : 08nd April, 2026)

1. The accused Dhananjay @ Golu Raju Borkar sought regular bail.
2. **Allegations in the FIR (in short):**
 - (i) The informant has two daughters, the elder being a minor aged 17 years. On 02.12.2025 at about 11:00 a.m., the victim was at home. The informant asked her to stay at home and thereafter went to his agricultural land.
 - (ii) At about 1:00 p.m., when the informant and her husband

returned home, the victim was not found. She was searched for in the surrounding area, in the village and with her friends along with relatives, but all informed that the victim was not with them. Therefore, the informant lodged a report of her kidnapping.

(iii) In the meanwhile, on 02.01.2026, the accused was arrested when he was in company with the victim. The victim narrated that she received a call from mobile number 9021730542 on her mobile number 0000000000. Subsequently, she received a call back from the same number wherein the caller identified himself as Dhananjay Raju Borkar @ Golu Borkar (the accused), whom she had previously met. The accused called her repeatedly expressing his desire to marry her and asking her to accompany him. The victim consistently informed him that she was below 18 years of age. However, on 02.12.2025 the accused called her from morning onwards, insisting that she accompany him and assuring her that he would marry her. The accused then took the victim to Nagbhid on his two-wheeler and from there to his friend's room at Padoli, Lodhinagar, Chandrapur, where they stayed for eight days. Subsequently, the accused arranged another room at MIDC, Chandrapur, and later took her to Butibori, Nagpur. During this period, the accused repeatedly established physical relations with her against her will, taking advantage of her minority.

3. Contentions and grounds for bail urged by the accused:

(i) The accused is a permanent resident of Mauza Wadhona, Tahsil Nagbhid. He frequently visited the victim's village through his acquaintance. The victim obtained his number and began calling him regularly. On learning of these conversations, her parents beat her and decided to arrange her marriage. The victim, unwilling to marry anyone else, allegedly insisted that the accused come immediately, threatened suicide and even sent a video of consuming poison. Alarmed, the

accused went to her village, where she had already left with her belongings. Despite his repeated requests to return home, she insisted on living with him. Police later traced the accused's mobile location and apprehended both. He did not abduct or coerce the victim; she accompanied him voluntarily. The arrest is alleged to be unwarranted. The victim herself initiated contact repeatedly, expressed her desire to marry the accused and threatened to ruin her life if he refused. Her statement was recorded under pressure from her family members/parents. At the relevant time she was nearly 18 years of age.

(ii) The accused is 24 years old, while the victim had just attained majority. He intends to marry her. Continued custody will jeopardize his future. He is a wage earner with elderly dependent parents. He has been in judicial custody since 05.01.2026. He has no prior criminal record. His detention will cause hardship to his family.

(iii) The accused possesses property at Mauza Wadhona, Tahsil Nagbhid, District Chandrapur. He is unlikely to abscond and undertakes to remain present before the court, comply with all conditions and furnish suitable surety. Hence, he prayed for bail.

4. Reply of the Investigating Officer (Exh. 08):

(i) The IO reiterated the facts of the prosecution case. He submitted that the accused, knowing that the victim was a minor and that she belonged to the Scheduled Caste community, abducted her on the pretext of marriage and repeatedly attempted to have sexual intercourse with her against her will.

(ii) The victim is staying at village Wagheda and if the accused is released on bail, it cannot be ruled out that he will go to her village, meet the victim and use inducement or promise to change the evidence.

(iii) The evidence seized by the forensic team and other material have

been sent to the forensic department for chemical analysis; reports are yet to be received. The accused hails from Chandrapur District and is residing in Samudrapur, District Wardha; therefore, the accused is likely not to appear in court for trial. The Investigating Officer prayed for rejection of the bail application.

5. Reply of the victim (Exh. 9): She reiterated the incident and her statement recorded by the police and further submitted that she and her family could be under threat to life if the accused is released on bail. He will also pressurize her and there is a possibility he may commit a similar offence or defame her. Hence, she prayed to reject the application.

6. I have heard the learned advocate for the accused and the learned APP. I have perused the investigation papers.

7. Indisputably, the victim was 17 years, 9 months and 6 days old at the time of the alleged incidents. It is submitted by the accused that the victim had acquainted herself with him and whenever he visited the village, the victim was seen talking with him. She was suo motu calling the accused on phone. The victim intended to marry the accused and she was pursuing him for marriage; otherwise she had threatened to commit some wrong against herself. However, when the victim was brought by the police, she gave a statement under pressure from her family.

8. It appears from the victim's statement that in March 2025 she became acquainted with the accused. His friend provided the accused's mobile number to the victim. In April 2025 the accused came to the victim's village and they met. They were also talking on mobile phone.

9. As per the allegations, once the accused asked the victim that they would flee and marry. The victim replied that she would wait to

become major, but the accused denied this. Thereafter, on 02.12.2025 the accused came to the victim's village. He made a phone call to her, calling her near the lake. Thereafter they went to Nagbhid on his motorcycle and subsequently to Chandrapur by bus. They stayed in a room at Lodhinagar where the accused established physical relations.

10. The learned advocate for the accused submitted that the accused is a young man of 25 years and the victim had just completed 18 years of age and the accused intends to marry her. If he is kept behind bars his life will be ruined. As against this, the learned APP submitted that there is medical evidence against the accused and therefore he objected to bail.

11. Considering the consolidated reading of the victim's statement and her narration to the Medical Officer as submitted by the learned advocate for the accused, the possibility of consensual relations between them arising out of their friendship cannot be ruled out. Moreover, when the victim went on the accused's motorcycle and thereafter to Chandrapur by bus, there was no hue and cry as would be expected if she had been forcibly taken, as submitted by the learned advocate for the accused. Taking these peculiar facts into consideration, there are sufficient grounds for bail. Moreover, investigation is completed and the prosecution is pending before this court. Therefore, there seems no real possibility that the accused may pressurize the victim. Necessary conditions can curtail any such possibility. The accused is a permanent resident at the address mentioned in the proceedings and therefore is not at risk of absconding. This is a fit case for exercise of discretion to release the accused on bail. Hence, the following order:

ORDER

1. The Criminal Bail Application (Exh. 7) is allowed.
2. The accused/applicant stands enlarged on bail on furnishing Rs. 50,000/- with one or two sureties in like amount in Crime No. 232/2025 of PS Kurkheda.
3. The accused/applicant shall not leave the State of Maharashtra without the permission of the Court.
4. The accused/applicant shall not contact with the victim and the witnesses so as to dissuade them from deposing the truth before the IO and the Court.
5. The accused/applicant shall not commit any offence while on bail.
6. The accused shall remain present on the dates, particularly of framing of charge, evidence and statement under Section 351 of BNSS, without fail.
7. The bail application is hereby disposed of.

Date : 08.04.2026

(**Pravin V. Chatur**)
District Judge-2 &
Additional Sessions Judge,
Gadchiroli

1) Dictated & typed on: 07.04.2026 & 08.04.2026

2) Checked & signed by P.O. on: 08.04.2026