



IN THE COURT OF AD-HOC DISTRICT & ADDITIONAL SESSIONS
JUDGE, GADCHIROLI

(Presided over by Shri V. S. Khot)

Spl (POCSO) Case No.19/2025

State-Vs-Vilas Jadhav Usendi

Vilas S/o. Jadhav Usendi

Age 23 years, Occu. Cultivation,

R/o. Godalwahi, Tah. Dhanora,

Dist. Gadchiroli

.. **Applicant/Accused**

... Versus ...

State of Maharashtra

Through PSO. P.S. Pendhari,

(Police Help Center, Gatta (Fu.),

Tah. Dhanora, Dist. Gadchiroli

.. **Non-applicant**

Order below bail application vide Exh.4

(Passed on : 18th November 2025)

1] This bail application is filed by the applicant under the provisions of Section 483 of the BNSS, 2023.

2] The applicant contended that the Sub-Police Station, Pendhari, Tah. Dhanora, Dist. Gadchiroli registered Crime No.01/2025 on 18.01.2025 under Sections 109, 78, 332 and 351(3) of the BNS, 2023 and under Section 12 of the POCSO Act, 2012. The accused is arrested and now, languishing in Chandrapur jail. The informant filed the report at police station and according to report the incident occurred on 09.01.2025. On that day the classes were held. The victim went to sleep at about 12.00 to 1.00 a.m. Her friend Manisha came to

..2..

..2..

her and took her to terrace of the hostel where the applicant was standing. He was chasing the victim from last one year. He had broken the mobile of the mother of the victim. The victim asked to him about his presence. He gave jostle to the victim in the fit of anger, due to which she fell down the terrace and became unconscious. She was taken to hospital and thereafter she was admitted to Orthovenue Hospital, Nagpur. The applicant refuted the allegation and contended that he has not done any offence as mentioned by the informant in her statement. He is not guilty. The applicant and the informant was having love relationship from the last one year. There is no reason for commission of any offence. He was not present on the terrace of the hostel.

3] The applicant is a law abiding citizen and nothing was seized from him. He would not abscond if released on bail. He may be enlarged on bail. He prayed for his release.

4] In view of rival contentions of the applicant and prosecution following points arise for my determination and I have recorded my findings subject to the reasons mentioned hereinafter.

Sr.No.	Points	Findings
1.	Whether the applicant/accused is entitled for regular bail as prayed ?	... Yes
2.	What Order ?	... As per final order

Reasons

As to point nos.1 & 2 :-

5] The applicant has filed this bail application and contended that he is arrayed as an accused under Sections 109, 78, 332 and

..3..

351(3) of the BNS, 2023 and under Section 12 of the POCSO Act, 2012. The accused has not done any crime. He is ready to furnish bail. He may be enlarged on bail. The prosecution strongly opposed the bail application and submitted that there are several hostel students who are witnesses. The applicant can impose burden upon the victim and witnesses. The bail application is liable to be rejected. The mother of the victim has also filed the say and submitted that the applicant has called the victim at the terrace of the hostel and pushed her down. She is facing serious physical ailments. She has become handicap now. If the accused is released on bail, then he can again give trouble to her. The application is liable to be rejected. The prosecution as well as mother of the victim prayed for the rejection of the bail.

6] The accused is booked under Sections 109, 78, 332 and 351(3) of the BNS, 2023 and under Section 12 of the POCSO Act, 2012. The perusal of the case papers make it clear that there is no contention regarding overt act at the hands of accused as far as the POCSO Act is concerned. It is the prosecution case that he pushed the victim and victim fell down from terrace. The offence under Section 109 of the BNS, 2023 is made out as per the contention of the prosecution. The offences leveled against the accused do not prescribe the punishment of life imprisonment or capital sentence. The offence under Section 109 of the BNS, 2023 is punishable up to 10 years imprisonment. The offence is not severally punishable and this aspect goes in favour of the accused/applicant.

7] The perusal of the case papers further show that the prosecution case is somewhat suspicious. It is skeptical that the applicant came on the terrace of the hostel at mid-night. It is

unbelievable that he was present there and he directly gave jerk to the victim, due to which she fell down the terrace. This theory is somewhat alien and it cannot be easily believable. This aspect goes against the prosecution case.

8] The perusal of the case papers further show that the applicant is not a habitual offender. There are no criminal cases pending against him. His criminal background is nil. This aspect goes in favour of the applicant's case.

9] The victim is now discharged and she is at her home. There is no possibility to turning the offence into the offence of murder. The trial would take its own time and till then it is not desirable to detain the accused in the jail. This aspect goes in favour of the applicant. The perusal of the case papers show that there are 8 days delay in reporting the offence in police station. The delay is not explained by the prosecution. This delay goes against the case of the prosecution.

10] It is contended by the informant/victim that the applicant was chasing the victim from last one year and he also broke the mobile of her mother. If such was the position, then why the police report was not filed against the applicant. This aspect is questionable. This position makes the prosecution case somewhat dubious.

11] In this case the prosecution case is dubious and it cannot be easily believable. The victim is already discharged from the hospital. There is a delay in reporting the matter. It is contended that the applicant was giving trouble from last one year, but no report was filed. It is unacceptable as to why the victim went on the terrace at about 12.00 mid-night. It is also questionable how the applicant came on the terrace of hostel at the mid-night. His presence on terrace is

unbelievable. All these aspects are not explained anywhere. The applicant is entitled to be enlarged on bail. In view of abovesaid discussion, my answer to point no.1 is in affirmative and I am inclined to pass following order resulting in grant of bail to the applicant.

O R D E R

1. The bail application stands allowed.
2. The accused/applicant by name **Vilas Jadhav Usendi** is hereby enlarged on bail of Rs.50,000/- with one surety in like amount in Crime No.01/2025 under Sections 109, 78, 332 and 351(3) of the BNS, 2023 and under Section 12 of the POCSO Act.
3. The accused shall not commit any offence while on bail.
4. The accused shall not leave the State of Maharashtra without the permission of the Court.
5. The accused shall not put any burden on the victim and the witnesses and he shall not make any contact with the victim in any way.
6. The accused shall attend the Court dates without fail.
7. The bail application stands disposed of and it shall be a part of the charge-sheet.

Sd/-

(Vishwas S. Khot)
Ad-Hoc District &
Additional Sessions Judge,
Gadchiroli

Gadchiroli
18th November, 2025