

MHGA010003302026



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

(Presided over by Shri P. V. Chatur)

Spl Sessions Case No. 39/2026

State -vs - Rohmotula alias Rocky

Rohmotula alias Rocky Naimul Hak

Age: 19 yrs, Occupation : Labour

R/o Gram Angarbhasa Post- Goti

Dist- Uttar Dinajpur

State- West Bangal 733210

.... **Applicant**

...Versus...

1] State of Maharashtra

Through Police Station Officer,

P S. Gadchiroli,

Tah & Dist- Gadchiroli

.... **Non-applicant**

.....

Order Below Exh.03

(Passed on: 05th June, 2026)

1] The accused, Rohamotula Naimul Haque, has sought regular bail.

Allegations in the FIR (in short):

2] The informant, mother of the victim, resides jointly with her family. They are wage earners. The informant has been working as a domestic help at the house of Madhuri Ladake for the last five years. On account of acquaintance with Madhuri's daughter, the victim used to visit their house and occasionally stayed there for 2-3 days.

3] About 4–5 months prior to lodging the report, the victim was residing at the house of Madhuri Ladake. She used to return home intermittently. On 10.01.2026, at about 11:00 a.m., the victim came home and stated that she was going to Madhuri's house. At that time, she was alone at home. Her father had gone for labour work. When the parents returned at about 5:00 p.m., the victim was not present and the house was locked. On inquiry, their son stated that he had gone to the playground as the house was locked. The informant contacted Madhuri, who replied that the victim had not come to her house. Despite searching with relatives, the victim remained untraceable. Hence, a missing report was lodged at Police Station, Gadchiroli.

4] Subsequently, the victim was located in Assam with the applicant/accused. They were brought to Gadchiroli, and the Investigating Officer recorded the victim's statement.

5] In her statement before the concerned officer in Assam, the victim alleged that the applicant/accused had kidnapped her, lured her with a promise of marriage, and thereafter committed sexual intercourse. As she is a minor, relevant offences were added.

Contentions and grounds for bail urged by the accused:

6] The applicant/accused contends that there is no evidence of luring, kidnapping, or forcible sexual assault. Medical examination revealed no marks of physical assault. The victim appears to have voluntarily left home. Since August 2025, the victim and the accused were in communication through Instagram, leading to a love relationship. The accused denies abduction or forcible relations.

7] The applicant/accused is a resident of Village Angabhasa, District Uttar Dinajpur, West Bengal. Nothing remains to be seized from him. He has family responsibilities, no criminal antecedents, and is

willing to furnish solvent surety. He undertakes not to tamper with witnesses or evidence and to abide by all conditions. Hence, bail is sought.

Reply of informant and victim (Exh.4):

8] They reiterated the FIR allegations but ultimately submitted that they have no complaint against the accused. They stated that he neither lured nor abducted the victim, nor committed forcible sexual assault. They expressed no objection to his release on bail.

Submissions of the Prosecution:

9] The Learned APP opposed the application, submitting that the accused acquainted himself with the victim through Instagram, thereafter took her to West Bengal, and committed repeated sexual assault. The victim is about 17 years old. The accused knowingly committed rape on a minor and is therefore not entitled to bail.

10] I have heard the Investigating Officer, the Learned APP for the State, and the Learned Advocate for the accused.

Points for Determination:

Sr. No.	Point	Finding
1	Whether the applicant/accused is entitled to bail?	Yes
2	What order?	As per final order

Reasons:

11] On perusal of the victim's statement, it appears she became acquainted with the accused through Instagram. They exchanged mobile numbers, began chatting, and developed a love relationship. The accused used Instagram ID rocky_don6296. He hails from Gram Angarbhasa, Post Goti, District Uttar Dinajpur, West Bengal. They

decided to marry. The victim went alone to Nagpur, called the accused, and thereafter they travelled to Mumbai and other places. On 04.03.2026, they went to Kunagram, District Shre Bhumi, Assam, and stayed at the house of the accused's relative. Between 4th and 8th March 2026, they had physical relations.

12] The victim has not stated that she was lured. However, it is evident that the accused used a fake Instagram ID, which amounts to deception.

13] During medical examination, the victim informed that she went to Nagpur and Mumbai with the accused, and later to Assam, where on 15.02.2026 they performed marriage as per Muslim custom. She was given a Muslim name. In her reply, however, both the informant and victim reiterated that the accused neither lured nor deceived her, nor committed forcible sexual assault. They expressed no objection to his release on bail.

14] In this background, though the accused is a native of Assam, bail is intended to secure his presence for trial. The Learned Advocate submitted that the accused is ready to abide by all conditions and furnish solvent surety. His presence can thus be secured. I am inclined to grant bail.

ORDER

- 1. Bail Application (Exh.03) is allowed.*
- 2. The accused/applicant is enlarged on bail of ₹1,00,000/- with one or two solvent sureties in like amount in Crime No. 50/2026 registered under Sections 137(2), 96, 64 of BNS and Sections 3, 4, 11 & 12 of POCSO Act at Police Station Gadchiroli, Tahsil & District Gadchiroli.*
- 3. The accused/applicant shall not directly or indirectly make any*

inducement, threat, or promise to any person acquainted with the facts of the case, nor tamper with evidence.

- 4. The accused/applicant shall provide his residential address and mobile number to the concerned Police Station and shall not change residence without prior intimation to the Investigating Agency.*
- 5. The accused/applicant shall attend every date of trial regularly. Failure to attend for two consecutive dates or breach of conditions will liable to cancellation of bail.*
- 6. The accused/applicant shall report to the Local Police Station every Sunday between 10:00 a.m. and 2:00 p.m.*
- 7. Copy of this bail order be sent to the concerned Jail Superintendent and District Legal Services Authority (DLSA), Gadchiroli, on their authorized email forthwith.*
- 8. Bail application is disposed of.*

(Dictated and declared in open Court.)

Date : 05.06.2026

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

Dictated, typed, checked and signed on 05.06.2026