



Spl. POCSO Case No. 67/2025
State v Mohit Gawade
MHGA010008352025

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
GADCHIROLI
(Presided over by D.M. Aher)

Criminal Bail Application Exh.11
In
Special POCSO Case No. 67/2025
(State v Mohit Gawade)

ORDER

1. This is second bail application of applicant/accused Mohit Mohan Gawade for regular bail, vide Section 483 of BNSS in connection with Crime No. 381/2025 registered at Purada Police Station under Sections 64(2)(i) and 64(2)(m) of the Bharatiya Nyaya Sanhita, Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012. I have read the grounds mentioned in the application.
2. The I.O. and learned A.P.P opposed the application, vide common say at Exh.13.
3. The victim appeared and opposed the bail application, vide reply Exh.12.

Prosecution Case

4. In the year 2024-25, the victim was studying in 10th Std. and aged about 16 years. In a Diwali festival, the victim acquainted with the applicant/accused. He proposed her, but victim rejected his proposal. On 15.11.2024 at Kulkuli, the victim along with her cousins had been to fare to watch the drama. At about 11:30 p.m., the applicant/accused took the victim from theater to forest area and established physical relations with her. Thereafter, on 02.12.2024 the victim had been to the house of her relative at village Salebhatti. In the night hours, she was alone in the house. The applicant/accused came there, took her to the forest area and forcibly committed sexual intercourse with her. Again on 29.12.2024 in the night hours, he did the same act. In January 2025, the applicant/accused called victim in the forest area at village Muska and committed forcible sexual intercourse with her. The victim became pregnant. She disclosed the fact of her pregnancy to the applicant /accused. Thereafter, the applicant/accused did not meet the victim. On 08.08.2025, the victim lodged the report against the applicant/accused. The crime came to be registered.

5. The police arrested the applicant/accused on 12.08.2025. Presently, he is in judicial custody.

Submissions

6. The learned Adv. Mr. Bramhamwade submits that the applicant/accused is falsely implicated. He submits that the victim was on the verge of majority and she had sufficient understanding. He submits that the conduct of the victim to repeatedly accompany him in the night hours shows that there was love affair in between them. He submits that the applicant/accused used no violence on the victim. He submits that the applicant/accused is young boy. He submits that the applicant/accused is in jail from more than one year. He submits that therefore, bail may be granted.
7. The learned APP Shri. Gupta submits that the victim was minor and there is prima facie material to show that the applicant/accused committed forcible sexual intercourse with her. He submits that the earlier bail application of the applicant/accused is rejected on merits and hence, this second bail application is not maintainable. Hence, he prayed to reject the application.

Reasons

8. I have perused the charge-sheet and papers. The birth certificate of victim shows her birth date as 20.09.2008. The alleged incidents occurred from November 2024 to January 2025. Thus, prima facie on the date of alleged incidents, the victim was minor. The victim in her police statement and statement recorded under Sec.183 of BNSS has stated that the applicant/accused committed repetitive forcible sexual intercourse with her. The said statement is supported by her parents and medical examination report, which shows rupture of hymen of the victim. Thus, there is prima facie evidence against the applicant/accused.
9. It is significant to note that after charge-sheet, the applicant/accused had filed the bail application Exh.4. On 04.05.2026, my learned predecessor after considering the merits of the case, rejected the said bail application. Thus, this Court has already considered the merits of the case and rejected the first bail application. As such, the second bail application would be maintainable only on the ground of change in the circumstances. However, there is no material change in the circumstance. The learned advocate for

the applicant/accused has tried to demonstrate that the victim was of understanding age and there was love affair between the victim and the applicant/accused. However, this contention has already considered at the time of first bail application and hence, it cannot be again gone into by this Court. The judicial discipline requires the consistency in the judicial orders. Thus, the present second bail application is not maintainable. After the rejection of the first bail application on 04.05.2026, there is no change in the circumstance to entertain the present bail application. Hence, the present bail application is liable to be rejected. Hence, the order.

10. The bail application Exh.11 is rejected.

Gadchiroli.
Date – 10.08.2026.

(D. M. Aher)
Additional Sessions Judge,
Gadchiroli.

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Certificate

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of Court : Additional Sessions Judge, Gadchiroli.

Name of Stenographer (Gr.-I) : Shri. R.B. Chandekar