

MHGA010010892025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE AT GADCHIROLI

(Presided over by Shri P. V. Chatur)

Special (POCSO) Case No.88/2026

State -vs - Nitin Madavi

Nitin Shriram Madavi

Age: 23 yrs, Occupation : Labour

R/o Palasgaon, Tah- Kurkheda

Dist- Gadchiroli.

.... **Applicant**

...Versus...

State of Maharashtra

Through Police Station Officer,

P.S. Purada, Tah-Kurkheda

Dist- Gadchiroli.

.... **Non-applicant**

.....

Order Below Exh.11

(Passed on : 16th April, 2026)

1] The accused/applicant sought regular bail under Section 483 of BNS.

Allegations in the FIR (in short):

2] The victim, aged 16 years 2 months, lodged a report stating that she is residing at the address given in the FIR along with her parents, uncle, two brothers and two sisters. She was studying in a school at Nagbhid from 1st Std. to 10th Std. by staying in the hostel. She has a close friend namely Sneha. They were talking on the mobile phone of her father.

3] Prior, about two years, she became acquainted with the applicant/accused in March 2025. She went to her native place after her

examination. She was intermittently talking with the accused from the mobile phone of her father. Their friendship turned into a love relationship. This fact became known to the family of the victim. Therefore, they asked her not to talk with the accused.

4] On 25.10.2025, when she was talking with the accused on phone, the same was noticed by her family and her family became angry and asked her not to talk with the accused. Thereafter, the accused repeatedly called the victim to Gadchiroli. Thereupon, at about 1.00 p.m., without informing her family, the victim came by bus to Gadchiroli. The bus arrived at 6.00 p.m. at Gadchiroli. She called the accused from the bus stand, Gadchiroli. The accused arrived there and thereafter at about 9.00 p.m. they went to Kurkheda. They stayed there in the house of the maternal uncle of the accused. At that time, the cousin sister of the accused was present in the house. On the next day, 26.10.2025, at about 1.00 to 1.30 p.m., the accused took the victim to his native place at Palasgad, Tah-Kurkheda, District Gadchiroli in a Trax vehicle.

5] From 26.10.2025 for two days, the victim slept with the mother of the accused. However, thereafter when nobody was at home, the accused called her close to him and promised that he would marry her and wanted to do whatever he wanted. He took her into his hug. The victim denied physical relations. But even then, the accused withdrew her clothes and committed physical intercourse. Thereafter, again till 3.11.2025, the accused repeatedly committed physical intercourse with her and asked her not to disclose this fact to anybody and that they would marry.

6] On 4.11.2025 at about 3.30 p.m., the Police Patil of Palasgad came to the house of the accused and brought both the victim and the accused to P.S. Purada, where the uncle and aunt of the victim were present. Thereafter, the victim lodged the report at P.S. Kurkheda, Tah-

Kurkheda, Dist. Gadchiroli.

Contentions and grounds for bail urged by the accused:

7] Since acquaintance with the victim about two years prior, she was talking with the accused intermittently on mobile phone. They developed a friendship and a love relationship and after this became known to her family, they became angry. Therefore, on 25.10.2025 the victim came to Gadchiroli. She was not ready to return home. Therefore, the accused took her to his home at his native place in Mauza Palasgaon. Only on suspicion, he has been falsely implicated at the instance of her relatives.

8] The accused/applicant is a law-abiding citizen. He is from a reputed family. He is a labourer and maintains his family. If he is not released on bail, then his family would suffer starvation. If released on bail, he will not abscond. He will follow the terms and conditions. He was arrested on 05.11.2026. Since then he is in jail. Hence, he prayed for bail.

Reply of the APP (Exh. 12):

9] If the accused is released on bail then there is apprehension to the life of the victim and her family members. He may tamper with the prosecution witnesses. He may threaten the victim and the witnesses. He may commit a serious offence. He will not co-operate with the investigation or may abscond. Therefore, they prayed for rejection of the application.

Reply of the victim (Exh. 13):

10] The victim has filed her say at Exh.13 reiterating all the facts of the FIR. She submitted that there is apprehension for her life and her family if the accused is released on bail. He may dissuade the witnesses from deposing the truth. He may interfere with the evidence. The

investigation is completed and there is evidence against the accused. Hence, she prayed for rejection of the bail application.

11] I have heard the I.O. & APP for the State and learned advocate for the accused/applicant.

12] The learned advocate for the applicant/accused submitted that in the FIR itself the victim has mentioned that she was regularly talking with the accused on mobile phone. Though he was noticed at the house of the victim by the elder brother of her father, it was surprising that the said fact was noticed by her uncle as submitted by the learned advocate for the accused. He further submitted that had it not been noticed by the uncle of the victim, the regular meetings would have continued between the victim and the accused. However, the learned counsel for the accused/applicant submitted that the allegations of rape are false.

13] He drew my attention to the medical form of the victim, wherein she has denied the medical examination. It is submitted that there is no medical evidence of any force in sexual intercourse with the victim. The learned counsel for the accused/applicant relied upon the judgment of the Hon'ble Bombay High Court in **Mandip Gyan Singh vs. The State of Maharashtra and anr., Bail Application No. 2657 of 2024, dated 13.2.2025**. He submitted that the facts of the case in hand and the judgment in *Mandip Gyan Singh* are identical. Therefore, it is submitted that the relations of the victim aged 16 years and the accused aged 21 years are their attraction and an out-of-court romantic relationship.

14] Relying upon the judgment in *Mandip Singh*, the learned advocate for the accused/applicant submitted that the rule of bail is to ascertain whether the accused is likely to appear before the Court for trial. There are other broad parameters also like gravity of the offence, likelihood of the accused repeating the offence while on bail, whether he

would influence the witnesses and tamper with the evidence, and his antecedents are required to be considered in such cases. Young offenders may be granted bail pending trial so that the regressive influence of the jail environment can be avoided and keeping in mind the principle of best interest in the aforesaid circumstances.

15] The facts of the case in hand and the judgment in *Mandip Gyan Singh* are, in the submission of the applicant, identical. The applicant/accused is a permanent resident of the given address. There are no criminal antecedents, hardened criminal or otherwise. Therefore, if he is kept behind bars, there is a possibility that the jail environment may affect his personality. He has been behind bars since the last five months. The prosecution will take its own time for conclusion of the trial. In view of the above facts, with necessary conditions, the case of the applicant can be considered for bail by applying the rule of bail and not the rule of jail. Consequently, the application deserves to be allowed. Hence, the following order:

ORDER

1. The Criminal Bail Application (Exh. 11) 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. 108/2025 of P.S. Purada, Tah-Kurkheda, District-Gadchiroli.
3. The accused/applicant shall not leave the State of Maharashtra without the permission of the Court.
4. The accused/applicant shall not contact the victim and the witnesses so as to dissuade them from deposing the truth before the I.O. and the Court.
5. The bail application is hereby disposed of.

(Dictated and declared in the open court.)

Date : 16.04.2026

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

1) Dictated & typed on: 16.04.2026 & 16.04.2026

2) Checked & signed by P.O. on: 16.04.2026