

Order on Exhibit 1 in Spl.C.S.No. 11/2026

(CNR No. MHKO0600001662026)

[Application under Section 483 of the B.N.S.S.]

State of Maharashtra

V/s.

Rahul Muninath Paswan

(A)	CASE DETAILS	
i)	FIR number & Date	34/2026 16/02/2026
ii)	Police Station, District & State	Jaysingpur police station, Dist.Kolhapur.
iii)	Sections invoked	U/s.64(2)(I), 64(2)(M), 65(1) of the BNS and section 4,8,12,17 of the POCSO Act.
iv)	Maximum punishment prescribed	Imprisonment for life
(B)	CUSTODY & PROCEDURAL COMPLIANCE	
i)	Date of Arrest	23-03-2026
ii)	Date of MCR	02-04-2026
iii)	Total period of custody undergone	5 month 18 days
(C)	STATUS OF TRIAL	
i)	Stage of proceedings (investigation/Chargesheet/C ognizance/Framing of Charges/Trial)	Framing of charge
ii)	Total number of witnesses cited in the chargesheet	19
iii)	Number of prosecution witnesses examined	N.A.
(D)	CRIMINAL ANTECEDENT	
i)	FIR No. & Police Station	N.A.
ii)	Sections	N.A.

iii)	Status (Pending/Acquitted Convicted)	N.A.
(E)	COERCIVE PROCESSES	
i)	Whether any Non-Bailable Warrant was issued	N.A.
ii)	Whether declared a proclaimed offender	N.A.

The prosecution has alleged that the accused in spite of having information about the minor age of victim committed repeated penetrative sexual assault on victim with false promise to marry resulting in a child birth.

2] The accused pleads his innocence and denies allegations levelled against him. Further according to him he and family of victim belongs from Uttar Pradesh therefore are having very cordial relationship inter-se. Further according to him the police have completed the investigation, a chargesheet is submitted and there is no need for his further detention. Also, he put forth his willingness to abide by the conditions if released on bail.

3] The investigating officer has opposed the application contending that the offence is serious and a chargesheet has been submitted against the accused. Further according to the I.O., the accused took disadvantage of ignorance of victim, lured her under false promise to marry and repeatedly committed sexual assault on her. According to I.O., the accused may abscond if released on bail and also there is possibility that he may attempt to influence the witnesses.

4] Heard Ld.Advocate for the accused and Ld.APP for the State at length. Perused the record.

5] The Ld.Advocate for accused iterated the contents of the application and submits that the investigation is complete and there is no need to restrain accused further in the jail. Additionally he submits that the accused is very young and keeping him behind bar will adversely affect his life. He also disputed the delay in registration of the report.

6] The Ld.APP has opposed the application contending that the offence is serious, the victim has levelled specific allegations against accused and witnesses do support the prosecution. He further put forth apprehension that accused is from other State and may flee.

7] The record reveals that the informant is brother of the victim and belongs from U.P. who has migrated to Maharashtra alongwith family for work. According to informant, the accused resides adjacent to his house and use to come for food at his house. He alongwith his mother were generally out for the work and the accused took disadvantage of this fact and lured his sister to commit sexually assault. Further the allegations are that in the month of September 2025, he got information about the pregnancy of the victim and at that time the victim revealed that the accused has taken her disadvantage since 5 to 6 months. The informant and his family feared social stigma therefore restrained from disclosing events and later on 24-12-2025 the victim gave

birth to a daughter. Subsequently, the hospital authorities unrevealed that the victim is a minor and sent report to Child Welfare Committee Sangli. Subsequently, the informant registered instant report leading to investigation and arrest of accused.

8] The record shows that the victim was medico legally examined on 14-02-204 and as per report the victim has delivered a child two months before the examination. Thus the chronology tends to show that the victim conceived approximately in the month of March or April 2025. This time line apparently supports the allegations by the prosecution about sexual assault on the minor by the accused in the month of March/April 2025.

9] The chargesheet reveals that during course of investigation the investigating officer obtained DNA samples of the victim, the accused and the child begotten by the victim. As per the report of forensic analysis, the accused and the victim are biological parents of the child of the victim.

10] The Ld.Advocate for accused relied upon the judgment of Hon'ble High Court in **Vijay Chand Dubey Vs. The State of Maharashtra in Cri.Bail A.No.3899 of 2024**. The Hon'ble High Court has enumerated certain circumstances that needs to be considered while deciding the bail application in alike matters. The primarily consideration set out by the Hon'ble High Court relates to type of relationship between accused and victim. The Hon'ble High Court has considered an aspect of love affair and concluded

that when a boy and minor girl are in love with each other and chose to live together without consent of their parents, then further factors needs to be considered while deciding application for bail. The present facts are different. Herein as per the allegations the accused was involved in the sexual activity with the victim under false promise to marry when she aged approximately 16 years and later left the victim avoiding responsibility of the child. The Ld.Advocate further relied upon **Rahul Vinod Surushe Vs. The State of Maharashtra in Cri.B.A.No.4692 of 2025**. In the matter the Hon'ble High Court considered fact that that the physical relationship between applicant and victim was not result of lust but of love, which they continued till this date. The present facts are completely different. The allegations against the accused are more serious about deceiving the minor victim under false pretext to marry.

11] The statements of brother of victim and mother duly corroborates the circumstances as alleged by the prosecution. Thus, the evidence on record more particularly statement of victim, her brother, mother and witnesses coupled with report of forensic analysis tends to show that the accused indulged in sexual activity with the victim when she was approximately aged 16 years 1 month and later the victim gave birth to a daughter who was concluded to be child of victim and the accused. The allegations are serious and anti social, the evidence on record prima facie indicates towards the guilt of accused and the offence is punishable upto life imprisonment. Therefore in these

circumstances the accused does not deserve to be released on bail.
Hence, the application is rejected.

Jaysingpur

(Jagdeesh M. Dalvi)

20/08/2026

Addln.Sessions Judge, Jaysingpur