

MHLA040001842026



Order below Exh.10 in Special Case (Pocso)
No.13/2026
(State Vs. Kapil & others)

A)	Case details :	
1.	FIR number and date	30/2026 Dt.23.01.2026
2.	Police Station, District, State	Police Station Ahmedpur, District Latur, State Maharashtra
3.	Sections invoked	Sections 137(2), 64(2)(m) (i) r/w 3(5) of BNS and Section 4, 6, 8, 12 of POCSO Act.
4.	Maximum punishment prescribed	Life Imprisonment.
B)	Custody and procedural compliance :	
1.	Date of Arrest	N.A.
2.	Total period of custody undergone	N.A.
C)	Status of trial :	
1.	State of proceeding	Charge
2.	Total number of witnesses cited in the charge-sheet.	12
3.	Number of prosecution witnesses examined	Nil
D)	Criminal antecedents :	
1.	FIR and Police Station	N.A.
2.	Sections	N.A.
3.	Status	N.A.
E)	Previous bail applications	
1.	Court	N.A.
2.	Case number	N.A.
3.	Outcome of case	N.A.
F)	Coercive processes	
1.	Whether any non-bailable warrant was issued	N.A.
2.	Whether declared a proclaimed offender	N.A.

Order
(Date 31.07.2026)

The applicants filed this anticipatory bail application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in anticipation of arrest in Crime No.30/2026, registered at Police Station Ahmedpur under Sections 137(2), 64(2)(m)(i) r/w 3(5) of Bhartiya Nyaya Sanhita and Sections 4, 6, 8, 12 of Protection of Children from Sexual Offences Act.

2) The applicants have stated that they have no any intention or motive to commit the alleged offence. They have been falsely implicated in the offence. The entire charge-sheet, the alleged offences are not attracted against applicant No.2 to 4. In the statement recorded by I.O. of the victim no specific role is attributed to accused No.2 to 4. But the complainant's wife and I.O. intentionally by pressurizing the victim added the names of applicants. During the course of investigation I.O. called many times to the applicants. But I.O. intentionally submitted charge-sheet under Section 335 of the BNSS and showing accused are absconded.

3) The investigation of the offence is completed. The allegation in the charge-sheet are vague and general allegation. The custodial interrogation of the accused at the hands of police is not required. The accused are ready to abide any of the conditions as may be imposed. They are permanent resident of their respective village. They are ready to furnish surety as per order of the court. Hence, on these grounds the applicants prayed that they may be enlarged on anticipatory bail.

4) The APP resisted the application stating that alleged offences are of serious nature. The charge-sheet is submitted

before the Special Court bearing Special Case No.13/2026 and same is pending before the sessions court. It is stated that the applicants have intentionally committed the offence knowing that victim is helpless girl. There is prima facie case made out against applicants. If the accused are released on bail then possibility of tampering with prosecution evidence and absconding can not be ruled out. Therefore, APP prayed for rejection of the application.

5) The informant also resisted the application by filing say. It is stated that the applicants have taken active part in commission of the alleged offence. If they are released on bail then investigation as regards to electronic evidence will be hampered. The victim is minor girl. If the anticipatory bail is granted it will cause serious prejudice to the prosecution. Moreover, against the accused No.1 Crime No.564/2024 for the offences punishable under Section 103(1), 104, 351(2), 309(4) r/w 3(5) of the B.N.S. and Section 3(25) of the Arms Act similarly other offences registered at Gangakhed police station bearing Crime No.56/2023 for the offences punishable under Sections 392, 395 r/w 120-B r/w 34 of the IPC. So also another offence is registered at Ahmedpur police station bearing Crime No.304/2019 for the offences punishable under Section 379 r/w 34 of the IPC. Thus all these facts go to show that accused No.1 is habitual offender and applicant No.2 to 4 being his close relatives and family members have assisted him in commission of the present offence. Therefore, informant prayed that bail application may be rejected.

6) Perused application and say. Heard arguments of both sides. Perused say filed by informant.

7) In the present case it transpires from the record that accused No.1 has kidnapped minor girl and committed forcible sexual intercourse with her against her wish. It is specifically stated

in the report that accused No.1 has kidnapped the minor victim girl. It is true that initially FIR was lodged against unknown person but during course of investigation it is revealed that it is accused No.1 induced victim. During the course of investigation it was revealed that the present applicants have assisted accused No.1 in commission of the alleged offence.

8) It is stated by the accused that the entire investigation of the offence is completed and now charge-sheet is filed. It is further stated that the I.O. has called them many times. But intentionally he has shown applicant Nos.2 to 4 as absconding in the charge-sheet. However, on perusal of the charge-sheet it transpires that the present applicants have been shown as absconded. Therefore, learned Special Court has issued standing NBW against these applicants in order to secure their presence. But this material fact has been concealed by the applicants while moving the application. The role attributed to these accused and the assistance provided by the applicants is yet to be investigated. Therefore, custodial interrogation of the accused at the hands of police is essential. Hence, considering above aspects I do not find any substance in the bail application of the applicants. Hence, the order.

ORDER

The anticipatory bail application (Exh-10) is rejected.

Date : 31.07.2026
(L.G.Pachchhe)
I/C Additional Sessions Judge, Ahmedpur.
