

MHND010014702026



**IN THE COURT OF ADDL. SESSIONS JUDGE-2, NANDED AT  
NANDED  
(Before : Shri. T.S. Solankar)**

**Cri. Bail Appln. No. 555/2026**

|  |                                                                                                            |                       |
|--|------------------------------------------------------------------------------------------------------------|-----------------------|
|  | <b>Tukaram Lobha Chavan</b><br>Age 71 yrs., Occ. Labour,<br>R/o. Ritha Tanda, Tq. Kinwat,<br>Dist. Nanded. | <b>.....APPLICANT</b> |
|  |                                                                                                            |                       |
|  | <b>The State of Maharashtra,</b><br>Through Islapur Police Station,<br>Tq. Kinwat, Dist. Nanded.           | <b>... RESPONDENT</b> |

**Appearance:**

Ld. Adv. Mr. S.R. Imade, for the applicant/accused.

Ld. Addl. PP Mr. P.V. Bulbule for respondent/State.

Ld. Adv. Mr. Anil Patil for informant/victim.

**ORDER BELOW EXH. 1**

(Date : 16.07.2026)

This application is moved by the accused ( hereinafter the 'applicant' ) for grant of regular bail in connection with Crime no. 37/2026 registered at Kinwat police station for the offences punishable under Sections 4 of the Protection of Children from Sexual Offences Act, 2012 ( for short 'POCSO Act')

2. It is the case of prosecution that the applicant herein involved arrested for having committed offence under Section 4 of

the POCSO Act. The applicant has also set facts of the case in his application ( supra).

3. Heard. Learned advocate Mr. S.R. Imade for the applicant and learned APP Mr. P.V. Bulbule for the State. Perused the say filed by the informant for victim through learned advocate Mr. Anil Patil. Perused application, say Exh. 10 and entire charge-sheet.

4. Learned advocate Mr. S.R. Imade for the applicant would submit that the FIR is false. The alleged incident took place on 30.04.2026, however, FIR is filed on 01.05.2026. There is delay of one day, which is fatal to the prosecution. The applicant came to be arrested on 05.05.2026. The informant is the mother of victim boy. There no eye witness to the incident. The informant was out of town when such incident was allegedly occurred. Informant lodged report on the basis of hearsay information given by son of her brother. He further submits that the informant has filed affidavit and given no objection to release the applicant. The investigation is completed.

5. Learned advocate further invited my attention to the statement of witnesses namely Anusayabai Rathod, Ushabai Rathod, supplementary statement of Anusayabai Rathod and Vishal Rathod and submitted that, the statements of witnesses does not support their statements recorded under Section 183 of BNSS. There is variation in the statements of the witnesses.

6. He further submitted that, as per medical report, there is perineal minor tear, no injury on urethra. He further submits

that, minor tear is seen on the anus. The incident is allegedly occurred on 30.04.2026 and victim is examined on 01.05.2026 at about 7.00 p.m. Therefore, the age of injury mentioned in column no. IX should have been shown to have occurred within a period of 24 hours, but it appears injuries occurred within a period of 1 to 2 days. The applicant is aged about 71 year, therefore, considering his age, there is no possibility of applicant committing such type offence. Applicant is the permanent resident of address given in the application. Any stringent condition may be imposed. The applicant is ready to abide any terms and conditions. Accordingly, prayed to release the applicant on bail.

7. *Per contra*, learned Spl.PP Mr. P.V. Bulbule for the State contends that the applicant has committed very serious offence on victim boy aged about 14 years. Then minor victim boy is mentally challenged. There is sufficient material against applicant to show that he committed penetrative sexual assault on the victim boy. Medical papers supports the same. The offence is against the society. Possibility of tampering can not be ruled out. Learned Spl. PP. further invited my attention to police report Exh.10 and medical examination report attached with the charge-sheet and submitted that, there is no need of actual penetration for attracting offence under Section 4 of the POCSO Act. He further submitted that, the victim was tied with the help of long handkerchief (लुंगी) which is seized from the son of applicant. On these grounds prayed to reject the application.

8. In furtherance of above contentions, learned advocate Mr.Anil Patil representing the informant/ victim has filed affidavit

Exh-11 filed of the informant and submits that, the informant has no objection to release the applicant. Accordingly, prayed to release the applicant.

9. I have heard all parties extensively.

10. Record shows that the applicant aged about 71 years. He is alleged to have committed penetrative sexual assault on a victim boy aged about 14 years when his mother was out of town. Though in certificate is filed on record to show that, he is mentally challenged, but the informant has stated in her statement.

11. After going through the statement of informant and witnesses and medical reports, it is clear that there is *prima-facie* or reasonable ground to believe that the accused had committed the offence. The nature of allegations made against the applicant are very grave. Further, the applicant was arrested after 5 days from the date of commission of crime, therefore, there is possibility of abusing the process of bail and stalling the trial of the present case.

12. Considering the age of applicant, he appears to be in a dominating position to the minor victim boy. The applicant came up with contention that informant i.e. victim's mother has filed affidavit and given no objection to release the applicant can not be accepted, for the reason that, even before conclusion of investigation the process of tampering with prosecution witnesses is started and the affidavit of no objection is filed on record. Learned advocate for applicant submitted that, victim in her no objection affidavit Exh.11 para 3 has stated that, information

about alleged incident was given to her by one villager Jitendra Kamaji Chavan. However, on query he submitted that, his statement is not recorded by the police. Therefore, I find that, said contention cannot be accepted.

13. The medical report annexed in the charge-sheet is suggestive of evidence of injuries due to application of force. Even there are minor tear on upper rims of anus admeasuring 0.5 to 1.00 cm. There are minor tear on anus, so also, the applicant is immediately examined by the doctor on next day. Therefore, the medical evidence supports the allegation.

14. The contention that, there is delay of one day in lodging the FIR cannot be accepted for the reason that, the incident in question occurred at about 10.30 p.m. and the FIR is lodged on next day. Therefore, said delay is not fetal, more particularly, the victim aged about 14 years was exploited by the applicant.

15. I further find that, there appears to be reasonable apprehension of the witnesses getting influenced, and thereby there is possibility of course of justice being thwarted by the grant of bail. In addition to this, the offences are under provisions of POCSO Act. The applicant and the victim/informant and other material witnesses are from same vicinity (Tanda) and in proximity, therefore, there is possibility of tampering can not be ruled out. The fact that, the investigation in the crime is concluded and charge-sheet is filed and also the informant has filed no objection affidavit is not sufficient, more particularly,

when there is sufficient evidence and material showing involvement of applicant in such heinous crime. Hence, I am not inclined to grant bail. In the result, I proceed to pass following order.-

**ORDER**

|    |                                                            |
|----|------------------------------------------------------------|
| 1. | The application is rejected.                               |
| 2. | In the above terms, application is disposed of.            |
|    | (Pronounced, typed on computer and dictated in open Court) |

Date :- 16.07.2026

Sd/-  
**(T.S. Solankar)**  
Special Judge (POCSO),  
Nanded.

**Certificate**

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original judgment.

|                                      |   |                                                       |
|--------------------------------------|---|-------------------------------------------------------|
| Name of Stenographer                 | : | B.R. Khindre,<br>Steno Grade-1                        |
| Court Name                           | : | District Judge-2 and Addl.<br>Sessions Judge, Nanded. |
| Date of Order/Judgment               | : | 16.07.2026                                            |
| Judgment signed by Presiding officer | : | 16.07.2026                                            |
| Judgment uploaded on                 | : | 16.07.2026                                            |

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