

MHND080001362025



ORDER below Exh.02 in Spl.Case (POCSO) No.40/2025
(State of Maharashtra Vs. Maroti Potalwad)

The present bail application is filed by the applicant under Section 483 of The Bharatiya Nagrik Surakhasha Sanhita, 2023 for regular bail.

In short, the prosecution case is that:-

2] The informant resides with his family. He is an Auto driver. It is alleged that on 12-04-2025 at about 1.00 pm he received phone call of his wife who told him to come immediately. It is alleged that accordingly he went to his house. It is alleged that at his house the victim told him that at about 12.30 pm, the accused on the pretext of asking for water, came in the house, bolted it, gagged her mouth, slapped her, removed her top. It is alleged that she shouted loudly on which the accused ran away. It is alleged that thereafter he has called the police by dialing 112 number. On this sort of report, the crime is registered.

3] The Investigating Officer through the learned APP has filed say vide Exh. 05 and has resisted the application.

4] The informant has appeared through his learned advocate who has filed say overleaf and has resisted the application.

5] Heard both the sides and learned advocate for the informant.

6] The learned advocate for the accused submitted that, there is no medical evidence to support the case of prosecution. He submitted that punishment for the alleged offences is less than 07 years. He submitted that the accused is more than 60 years old and he is having responsibility of his family.

7] He submitted that the accused is arrested on 12-04-2025. The charge-sheet is filed. The offences are not punishable with death or life imprisonment. He submitted that according to the informant the accused has committed similar offences, however, the informant himself says that he has dialed 112 number and if anything goes wrong then the informant can very well take help of the police.

8] He submitted that the alleged offence though is serious, it is not heinous offence. He submitted that for about two and half months, the accused is in custody. He submitted that it will take certain time to conclude the trial. He submitted that the accused is ready and willing to abide by the conditions which may be imposed on him. He submitted that the accused is even ready to not to enter the village till conclusion of the trial.

9] On the other hand, the learned APP has strongly objected the application. She submitted that the victim calls the

accused as 'आजोबा' .i.e grandfather, however, still the accused has committed the serious offence. She submitted that, therefore, the application may not be allowed.

10] The learned advocate for the informant has supported the submissions of the learned APP. He submitted that as per the information given by the informant, the accused has committed similar offences, however, due to various reason report is not filed.

11] He submitted that the informant is an Auto driver and his entry and exit is blocked by the relatives of the accused. He submitted that, therefore, the informant cannot ply his Rikshaw. He submitted that if the accused is released on bail, he may tamper and may commit similar offence

12] There are no allegations of grave offences. The accused is 60 years old man. The alleged incident has taken place at broad day light. Charge-sheet is filed. Considering these facts, it will be unjust and improper to keep the accused in further custody, no purpose will be served keeping him in further custody, certain conditions will suffice the purpose. In the result, following order is passed :-

ORDER

1. The application is allowed.
2. The applicant be released on bail on executing P.R bond of Rs. 25,000/- (Rs. Twenty five Thousand only) and to furnish the surety of like amount.

3. He is directed not to abscond and not to tamper the prosecution evidence.
4. He is directed not to contact the victim, the informant in any manner either by himself or to anybody else till full and final conclusion of the trial and not to visit her house, school, collage or workplace.
5. He is directed not to enter village Rui Tq. Kandhar Dist. Nanded till full and final conclusion of the trial.
6. He is directed to regularly attend the Courts dates.
7. Inform the concerned police station.

Date : 01.07.2025

(M. N. Patil)
Addl. Sessions Judge,
Kandhar.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	Y.S. Kausadikar
Name of Court	Addl. Sessions Court-1, Kandhar
Date of Dictation	01.07.2025
Order signed by the P.O on	01.07.2025
Order uploaded on	01.07.2025

Visit **ecourts.gov.in** for updates or download mobile app “**eCourts Services**” from Android or iOS