

IN THE COURT OF SPECIAL JUDGE, [UNDER POCSO ACT] MUKHED
DIST. NANDED

(Presided over by S.P. Deshmukh, Additional Session Judge, Mukhed)

Special Case No. 14/2025

MHND210002532025



The State of Maharashtra,
Through police station,
Mukhed.
Tq. Mukhed Dist. Nanded.

....Prosecution

Versus

Omkar Satish Dakurwar
Age: 23 Yrs, Occupation: Education,
R/o. Sarafa Line (Narlawar Galli)
Mukhed.
Tq. Mukhed Dist. Nanded.

.... Accused

Application for grant of the Bail
under Section 483 of the BNSS, 2023.

Adv. N. N. Kolnoorkar, for accused.
Adv. G. B. Khillare, APP for the State.

ORDER PASSED BELOW EXH.13
(Delivered on 19/01/2026)

The applicant/accused has filed this application for regular bail in connection with crime bearing No.252/2025 for an offences punishable under section 65(2), 64(2)(i) of the BNS, 2023 and sections

4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2] The alleged facts of the case are to the effect that minor victim is hardly of just 6 years She is usually attending tuition classes of one Saraswati Ingole madam since last 3 years. The timing of tuition is in between 4.00 p.m. to 7.00 p.m. and the place of tuition is also at a very closer distance from the shop of the informant who happens to be maternal uncle of the victim. On the day of incident at about 4.00 p.m. the victim went to tuition and she was supposed to return at about 6.30 p.m. However, on that day the sister of informant informed the tuition teacher by making a call to send the victim towards the shop of informant which is at a distance of 100 to 150 meters only and which takes hardly two minutes to reach. Accordingly, the tuition teacher sent her back as per the the request of informant. But victim not reached the shop of informant within expected time. Therefore, informant went to class and asked the teacher about the victim. She was not there. He started searching for his niece (i.e. victim). At about 7.00 p.m. he received call of tuition teacher Mrs. Ingole Madam that victim is with her. He saw there that the victim was in frightened situation and her lips and legs were stained with blood and her hairs are scattered. He immediately took her to the Civil Hospital of Mukhed. After her medical examination, it is revealed that minor victim was molested by someone. The tuition teacher also came in the hospital and there she narrated the incident that she saw the victim while coming out of the ongoing construction site of the house of accused which is in the same lane of said tuition teacher. She also found the accused at the said construction site at the relevant time. Therefore, complaint came to be

lodged in the police station, Mukhed.

3] The learned advocate for accused Shri Kolnoorkar vehemently argued that the accused is falsely implicated in the crime on account of a transaction of property between father of the accused and the informant wherein the informant has sustained loss of Rs.31,00,000/-(Rs. Thirty One Lack Only) for non fulfillment of agreement within stipulated time frame. He further submitted that the investigating officer has collected CCTV footage in a pen drive which is made available from Kavtikwar Jewelers, Mukhed and it was shown to the accused during investigation. The said electronic evidence may reflect innocence of accused but it is not made part of the chargesheet. It is further contended that the narration of the incident which is given by the tuition teacher in her statement before police is not consistent with the narration of the incident as given by the informant in the FIR. Moreover, there are inconsistencies regarding the happening of & time of incident as well as it's narration given by the witnesses. According to learned advocate for applicant, the medical record and the statement of material witnesses do not co-relate with each other thereby raising a grave suspicion about the occurrence of the incident. Considering the tender age of the accused and his clear antecedents, it is prayed that accused may be released on bail. His further incarceration behind the bars for indefinite period would spoil his future career. Therefore, by imposing any reasonable conditions, he may be released on bail.

4] The Investigating Officer has filed his reply below Exh.15 and learned APP for the State filed reply below Exh.16. The informant has also appeared before the Court and filed his objection below

Exh.20.

5] It is the contention of the Ld. APP for the State that the victim was found while coming from the construction site of the house of accused and accused was also found at the same place at the relevant time as per the statement of material witnesses. The accused was found while watching some indecent and sexual websites on his mobile just prior to the incident. The material in that regard is collected by the police. The medical papers as well as statement of material witnesses including that of the victim clearly pointing out the involvement of the accused in this crime. The offence in question is very serious in nature and it is alarming to the safety of innocent minor girls in the society. Considering the strong material showing involvement of the accused in the crime, considering the age of victim and gravity of the offence he prayed to reject the bail application.

6] The informant in his objections commented that his 6 years niece is yet not recovered from the said trauma and that his entire family is living in the terrible atmosphere of fear. If the accused is released on bail, he would definitely apply pressure on the witnesses and his release would spread wrong message in the society. Therefore, application is liable to be rejected.

7] I have heard both sides and gone through the entire papers of investigation. The victim is first cited by her tuition teacher in a very scary situation. There was mud/dust found on the body of victim and her hairs were scattered. She was found weeping and there was oozing of blood from her body. The victim has narrated the incident to her tuition teacher. She was immediately taken to Civil Hospital of Mukhed

where the fact that victim is molested is revealed in medical terms. Her medical examination was conducted at Government Hospital, Mukhed. It shows that the cloths of victim were stained with mud and chuna. The victim was complaining about pains in genital area. There were injuries to the lips of victim. Her hymen found ruptured and bleeding was also there. Further, the statement of material witnesses including that of victim is found consistent in material aspects of the allegations. The contention of learned advocate for accused that there are certain inconsistencies as regards to time or, time span of the incident is not sufficient at this juncture to discard or disbelieve the available material on record. In other words, there is more than sufficient material to infer about involvement of the accused in the said crime.

8] The contention regarding CCTV footage of a particular area nearby to the scene of occurrence is not having any force at this juncture, because no details thereof are given. It is not the case of accused that there was only one way of access to the spot and the CCTV footage, if any, itself is sufficient to show that accused had left the spot much before the alleged incident. The Ld. APP informed this Court that no such CCTV footage is available with the prosecution. The Ld. Defence lawyer also not able to produce the same before this Court. Hence, I do not find any substance therein at this juncture.

9] The family of accused as well as that of victim resides in same locality. The victim and the accused belongs to distinct communities which adds to severity of circumstances. The nature of offence is serious in nature & grave and sufficient to shake the conscience of a common man. Therefore, it would not be just and

proper to release the accused on bail. Under such circumstances, the prosecution shown it's readiness to proceed with the trial in expedite manner. Charge is framed against the accused. Therefore, I am not inclined to grant bail and as such, the following order is passed :

ORDER

- 1 Application below Exh.13 in Special Case No. 14/2025 arising out of crime No.252/2025 of police station, Mukhed is hereby rejected.
- 2 The prosecution is directed to expedite the case by securing the muddemal property at earliest.

Place : Mukhed
Date : 19/01/2026

(S. P. Deshmukh)
Special Judge, (Under POCSO Act),
Mukhed.

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 the Stenographer : C. P. Yellewad, Stenographer
(Grade-III)

Court Name : Special Court, Mukhed.

Date of judgment : 19/01/2026

Judgment signed by the

Presiding officer on : 19/01/2026

Judgment uploaded on : 20/01/2026