

IN THE COURT OF SPECIAL (POCSO) JUDGE, NASHIK

SPECIAL (POCSO) CASE NO. 53 OF 2026

[CNR NO. MHNS010007132026]

ORDER BELOW EXH.3

(Dated 11-03-2026)

1] Applicant/accused **Ambarnath** *alias* **Amruta Rakhma Bhale** is seeking bail as per Section 483 of BNSS, 2023 in Crime No. 242/2024 registered with Wadiwarhe Police station, Dist. Nashik for the offences punishable under section 64, 65, 137(2) of BNS, 2023, Section 4, 8 and 12 of The Protection of Children from Sexual Offences Act, 2012.

2] Prosecution's case is that, informant resides with her husband, elder daughter victim and 3 children. On 09.08.2024, in the night at 00.30 a.m. victim had stomach ache, she was taken to the toilet by her mother. Again victim had stomach ache at 1.00 a.m. and this time, victim alone went to the toilet and did not return. Informant and her husband searched, but victim was not found and hence, they lodged the report. Further, it is case of the prosecution that, accused having knowledge that victim is minor, eloped her, took her at Dhawangaon Tal.Rahuri, Ahilyanagar. There, in the agriculture land of one Mahendra, victim was kept in tin shed. According to prosecution on promise of marriage, involved in physical relationship with minor victim.

3] Applicant accused submits that, he is innocent and has no concern with the crime. Accused and victim were having love relationship, victim on her own accompanied accused. Both belong to Adivasi community and there is custom to perform marriage in the said community. It is submitted that, applicant is of 22 years, due to tender age and due to love and affection, incidence had occurred. There was no violence, physical threat, compulsion for sexual act. It is submitted that, investigation is completed, charge-sheet is filed. This is second bail application after charge-sheet.

4] Prosecution & I.O. has filed say at Exh.4 and 5. Informant has filed her say at Exh.6.

5] The bail application is heard as a in-camera proceeding.

6] Heard ld. Advocate Shri. P. R. Shejwal for applicant/accused and Ld. APP Shri. S. H. Sonawane. Today, informant victim, informant are present. They are heard.

7] It is submitted by learned advocate for accused that, as per contents of FIR, victim on her own had left the parent's home. There is no element of force used by accused. According to him, there was love affair and accused is also of tender age. He also submits that, both belong to Adivasi community and there is custom in the community to perform marriage at young age.

8] Learned advocate placed reliance on following decisions of Hon'ble Parent High Court and Hon'ble Supreme Court -

1. **Suresh Irappa Hatti Vs. State of Maharashtra, LAWS (BOM)-2004-7-24.**
2. **Mandip Gyan Singh Vs. The State of Maharashtra and another, Hon'ble High Court, Bail application no. 2657 of 2024.**
3. **Shubham Dilip Vs. State of Maharashtra, Hon'ble Bombay High Court, LAWS (BOM)-2025-8-36.**
4. **Abaso Ramchandra Madane Vs. State of Maharashtra, High Bombay High Court, LAWS(BOM)-2020-12-288.**
5. **The State of Uttar Pradesh Vs. Anurudh and anothers, Hon'ble Supreme Court, Criminal appeal @ SLP (Crl) 10656 of 2025.**

I have gone through the aforesaid decisions carefully. It is settled law that, after filing of charge-sheet, bail application has to be considered, taking into consideration material in the charge-sheet. If the supplementary statement of victim recorded on 06.12.2025, is perused, then I find that, victim stated that she was frightened while giving statement to learned Magistrate. That time she stated that she was pregnant and there was abortion.

9] Statement recorded by learned Magistrate, is in absence of investigating agency. How investigating officer got the

knowledge of what statement was given by victim before the court. The supplementary statement of victim, is to be appreciated at the time of trial. At this stage, prima facie, contradictory statement are coming on record.

10] Apart from this, investigation is completed, charge-sheet is filed. Applicant/accused cannot be detained for indefinite period. Trial is not likely to commence immediately, in view of pendency before this court. Accused deserves to be release on bail on condition that, he will not visit or stay in Garudeshwar, Post Mundegaon, Taluka Igatpuri, till conclusion of trial. Hence, I pass following order.

ORDER

1.	Application is allowed.
2.	Applicant/accused Ambarnath alias Amruta Rakhma Bhale in crime No. 242/2024 registered with Wadiwarhe Police station, Dist. Nashik for the offences punishable under section 64, 65, 137(2) of BNS, 2023, Section 4, 8 and 12 of The Protection of Children from Sexual Offences Act, 2012 be released on PB of Rs.30,000/- on executing SB of like amount.
3.	Applicant/accused shall not directly or indirectly induce or threat prosecution witnesses.
4.	Applicant/accused is directed to file undertaking that he shall not visit or stay in Garudeshwar, Post Mundegaon, Taluka Igatpuri, till conclusion of trial.

5.	Applicant/accused shall not tamper with witnesses of prosecution.
6.	Applicant/accused shall furnish his permanent address alongwith cell phone number.
7.	Bail before this Court.
8.	Inform concerned police station.
9.	Inform jail authority by E-mail.

Date : 11-03-2026

(Jairaj D.Wadne)
Special (POCSO) Judge, Nashik.