

IN THE COURT OF SPECIAL (POCSO) JUDGE, NASHIK

SPECIAL (POCSO) CASE NO. 66 OF 2026

[CNR NO. MHNS010008492026]

ORDER BELOW EXH.3

(Dated 11-03-2026)

Applicant/accused **Akshay Ashok Gavande** is seeking bail as per Section 483 of BNSS, 2023 in crime no. 487/2025 registered with Satpur Police station, Nashik for the offences punishable under sections 64(1), 308(3), 351(2) of BNS, 2023 and sections 4, 8, 12 of POCSO Act, 2012.

2] Prosecution's case is that, from January 2025 to October 2025, at Hotel SSK Empire, Pimpalgaon and at Hotel Purva, Nashik-raod, accused from time to time, after having developed friendship and trust of victim, involved in physical relationship with minor victim and thereafter he demanded money from minor victim. According to prosecution, accused had threatened the victim and forced her to pay money.

3] Accused submits that, he has no concern with the crime, he is falsely implicated in the crime. Victim did not informed anybody after the incidence alleged to have occurred in December 2024. If medical examination report is considered then offences leveled are not attracted. The statement under section 183 of BNSS reflects that victim and accused were in love relationship. Similar is the statement of witness Aakash, Akshada. Victim is 16 years old

whereas accused is 21 years old and whatever happened was due to love and affection. There was no violence, physical threats, compulsion, force for sexual act. There is no possibility of tampering as witnesses are from the same family. Accused will not stay in Nashik if enlarged on bail. Applicant/accused has no criminal antecedents. He is ready to abide all conditions.

4] Heard learned advocate Shri. P.R.Shejwal for applicant/accused and learned APP Shri. S.H.Sonawane. Victim has filed her say through her advocate at Exh.7. Heard learned advocate B.U.Gaikwad for victim.

5] On behalf of accused it is submitted that, statement of victim under section 183 of BNSS is vague. The statement before police is pointed out. Statement of witness Sachin Dhage is pointed out and it is submitted that, there is no evidence of accused having taken the victim at SSK Empire Lodge. It is submitted that, there is no medical evidence in the report of Medical Officer.

6] Learned Advocate for accused placed his reliance of Decision of **Indrajeet Singh Zagde Vs. State of Maharashtra, Criminal bail application no. 745/2020**. In this decision, victim was 16 years old, she got acquainted with accused. It was alleged that, accused administered some intoxicant substance and took nude photographs and on that basis threatened victim and exploited her. In such circumstances Hon'ble High Court came to conclusion that,

it is open for prosecution at the time of trial to establish allegations of nude photographs and video. considering age of accused bail was granted.

7] Learned advocate of accused placed reliance of **State of Uttar Pradesh Vs. Anurudh and anothers.** Special leave to appeal no. 10656 of 2025. In this decision Hon'ble Apex Court has laid down guidelines and pointed out misuse/misapplication of POCSO Act.

8] Prosecution's case is that, in December 2025 victim and accused got acquainted in a pub at Gangapur road, that time accused proposed her, gave her his cell number. Thereafter, victim from the cell phone of her uncle, used to communicate with the accused. Thereafter, in January 2025 accused and victim met at Citizen lodge, Pimpalgaon, there accused said that, he loves the victim and going to marry with her and on this pretext he involved in physical relationship and took some obscene photographs in his cell phone. Further it is the case of the prosecution that, till August 2025, accused met the victim at KTHM college. In October 2025, they met at Purva Lodge, Nashik-road, on this occasion also on the pretext that, accused will perform marriage with victim, he involved in physical relationship with her against her wish. Further it is the case of the prosecution that, accused demanded Rs. 60,000/- and if victim does not give the money, accused threatened that, he will make viral her photographs which were taken in

Trambakeshwar lodge. It is further case of the prosecution that, after this, accused demanded money and victim had sent him Rs. 12,000/- through Pavan Pawar by on-line mode to accused.

9] In backdrop of these facts, the bail application needs to be decided. The first submission is about statement recorded under section 183 of BNSS and the police statement. In the charge-sheet the statement U/sec. 183 of BNSS is available. In this statement, victim stated before Ld. Magistrate that, she was in love relationship with accused, he had her nude photos taken at the Lodge and on that photos he is blackmailing and demanding money to her.

10] Statement of witness Sachin Dhage is pointed out to me. Admittedly this witness before police stated that, there are no documents available about visitors to SSK Empire Lodge. However, in the charge-sheet I find statement of one Dyanand Shetty, who runs Purva Lodging and Dormetary on rental basis at Nashik-road railway station. Prima-facie his statement reflects that, on 08.10.2025 in the register of the Lodge, there is entry of accused and victim, by furnishing false birth dates on the Aadhar Card for securing room.

11] Apart from this, in the charge-sheet I find statement of one Pavan Pawar. Prima facie his statement reflects that, he had

transferred money of Rs.12,000/- to accused on the request of victim by on-line mode.

12] If aforesaid material in the charge-sheet is considered then prima faice inference cannot be drawn that in present case provisions of POCSO Act are misused by victim. From the material in the charge-sheet, though victim and accused got acquainted, fell in love, are the facts, equally there is prima facie evidence showing money extorted by accused from victim. In such circumstances and facts, aforesaid decisions do not advanced assistance to accused.

13] Victim has placed on record some print out of photographs of her and the accused. Admittedly, these are not part of the charge-sheet. The mobile phone of accused is sent for analysis and report is awaited. If these aspects kept aside, even then there is prima facie evidence in charge-sheet, which shows seriousness of the allegations. In such circumstances, if bail is granted, there would be tampering with the evidence of prosecution. For all these reasons, I pass following order.

ORDER

1.	Application for bail is hereby rejected.
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Date : 11-03-2026

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