

IN THE COURT OF SPECIAL (POCSO) JUDGE , NASHIK

ORDER BELOW EXH.2 IN SPECIAL(POCSO) CASE NO.268 of 2025

MHNS010066302025

(Dated 11.11.2025)

1] By this second bail application, applicant/accused **Shahrukh Akhatar Ansari** is seeking bail as per Section 483 of BNSS, 2023 in Crime No.279/2025 registered with Bhadrakali Police Station, Dist. Nashik for the offences punishable under sections 64, 74, 137(3), 352, 351(2) of BNS, 2023 and Sections 8 and 12 of The Protection of Children from Sexual Offences Act, 2012.

2] Prosecution's case is that, victim lodged the report. She submitted that, she got acquainted with the accused in a marriage ceremony, that time they exchanged their cell phone numbers and used to chat. Friendship turned into love relationship as accused promised to marry with the victim. This had happened prior to one year of report. Thereafter, it is submitted that on 27.01.2025 victim was at her college, accused came to meet her, took a selfie, asked her to accompany him, to which victim refused. It is alleged that, on that accused gave threat that he will make viral the selfie. Victim got scared, sat on the vehicle of accused against her will and accused took her at Sinner in a lodge. She alleges that, there accused against her will took selfie, kissed her and started demanding physical relationship. According to victim, she was forced for physical relationship. After this she was dropped at her college and threatened that, she should not disclose the incidence, else while accused will make viral photo taken in a mobile phone. She also alleges that, when she refused to marry, accused kept her photo on Instagram, a social media as status.

3] Applicant accused submits that, he has not committed any crime. Report is false, filed with delay of 8 months. Victim had not made any complaint, when she alleges that accused was forcing her. According to him, he is son of maternal cousin sister of mother of the victim. Only to avoid marriage of accused with victim, she is forced to file false report. He is young aged person, cannot be detained in jail for long period. He has immovable property at Sinnar and will not abscond. He is ready to abide all conditions. Investigation is completed, charge sheet is filed. There are no grounds to reject bail

4] I.O. and prosecution submits that, victim, a minor girl was forced for physical relationship on the pretext that, selfie photo of victim and accused will be made viral by accused. It is submitted that, if bail is granted, victim, witnesses will be threatened.

5] Victim appeared through her advocate and she has opposed the bail by her say at Exh.5. According to her, accused black mailed her and had forced her for physical relationship. If bail is granted, he will threaten her and her family members. Further, she submits that mother and other relatives of accused are threatening to take back the complaint.

6] Heard ld. Advocate Shri. Yogesh Gangurde for applicant/accused and Ld.APP Shri.S.H.Sonawane. Perused say filed by original complainant and heard learned advocate for original complainant.

7] Learned advocate for the present applicant/accused submits that, applicant is falsely involved in the crime. He and victim were in love relationship. Investigation is completed, charge sheet is filed. It is submitted that, there is delay for the report.

8] Admittedly, this is second bail application. According to applicat accused, his earlier bail application was filed before completion of investigation. Now, investigation is completed and hence, bail be granted. Except this, there is no any other change in circumstance pointed out by accused for filing second bail application.

9] In the present case at hand, if report is considered then, victim reported that she did get acquainted and fell in love with accused. Further she submits about incidence dated 27.01.2025. On this day, she alleges that, she was forcibly taken in a lodge at Sinner and there against her will, accused had kept physical relationship with her. Now, material in the charge-sheet is also available. Victim in her statement, recorded under section 183 of BNSS, 2023 stated same facts. According to her, she was forced for physical relationship. She did not disclose this until accused made viral her photo on his Instagram app. Her uncle noticed the said photographs, then she disclosed the alleged sexual assault on her.

10] Present case is not a case of love affair for a long period. Allegations are of giving threat to make viral selfie and under that pretext, it is alleged that victim was forced for physical relationship. The evidence in the charge-sheet, more particularly statement of the victim and the witnesses, the photographs collected from the cellphone of the accused, history stated by the victim to the Medical Officer, are sufficient to come to a prima-facie conclusion that allegations are of serious nature. In such cases, if bail is granted, possibility of threat or inducement to the victim, her relatives cannot be ruled out.

11] Considering all these aspects, nature of the allegations being serious against a minor victim, no case is made out to grant bail. Only for the reason that, investigation is completed and charge-sheet is filed, cannot be a ground to grant bail, when allegations are of serious nature. Hence, I pass following order :-

12] Application is rejected.

Nashik  
Date: 11.11.2025

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