

IN THE COURT OF SPECIAL (POCSO) JUDGE, NASHIK

ORDER BELOW EXH. 4 IN SPECIAL (POCSO) CASE NO. 322 OF 2025

[CNR NO. MHNS010079652025]

(Dated 10-02-2026)

Applicant/accused **Shaukat Supadu Shah** is seeking bail as per Section 483 of BNSS, 2023 in Crime No. 301 of 2025 registered with Indira Nagar Police station, Nashik for the offences punishable under sections 78(2), 79, 126(2), 115(2), 352, 3(5) of BNS, 2023, sections 8 & 12 of POCSO Act, 2012 and Section 3(1)(w)(i) and 3(1)(w)(ii) and 3(2)(va) of Scheduled Caste & Scheduled Tribes Prevention of Atrocities Act, 1989.

2] Prosecution's case is that, on 27.09.2025 at about 5.15 a.m. near MHADA Building, Vadala Gaon, Nashik, accused persons, followed the victim and witnesses, applicant forcibly tried to make seat the victim in his auto rickshaw, when the witnesses came for rescue, they were slapped, abused. It is alleged that accused no.2 involved in scuffle with the witness and abused the victim by mentioning her caste.

3] Accused submits that he is innocent. He had not committed any forceful act. There was delay for the report. Offence leveled against applicant/accused are not attracted. He is the earning member of the family. Investigation is completed, charge sheet is filed. He is ready to abide with any conditions. He pray for grant of bail.

4] Heard learned advocate Mr. Tajanpure for applicant/accused and Ld. APP Smt. S. S. Gore. Victim is present before the Court.

Heard victim. Victim has filed her say at Exh.8 through her advocate Shri. Milind Kurkute.

5] Admittedly first bail application of this accused was rejected as investigation was in progress. Admittedly co-accused no.2 is on bail. Now investigation is completed and charge-sheet is filed. On behalf of prosecution and victim it is submitted that, applicant/accused no.1 is habitual offender, 8 previous crimes are registered, which are of similar nature. It is submitted that, if bail is granted accused will abscond.

6] The allegations are of stalking, sexual harassment etc. of a victim of Scheduled Caste Community. All the offence leveled if proved, the punishment will be upto 5 years imprisonment. As investigation is completed and charge-sheet is filed, this accused cannot be detained for indefinite period. Trial is not likely to commence immediately. The only aspect is only about, pending crimes against applicant/accused. In this regard it is brought to my notice that, in none of the pending crimes, applicant/accused is convicted. Out of 8 previous crimes, in 5 crimes accused is acquitted and 3 crimes are pending. Unless a culprit is convicted for previous offence, he cannot termed as habitual offender. A stringent condition that twice in a month, applicant/accused shall attend concerned police station will suffice. For these reasons, I pass the following order.

ORDER

1.	Application is allowed.
2.	Applicant/accused Shaukat Supadu Shah in Crime No. 301 of 2025 registered with Indiranagar Police station, Nashik

	for the offences punishable under sections 78(2), 79, 126(2), 115(2), 352, 3(5) of BNS, 2023, sections 8 & 12 of POCSO Act, 2012 and Section 3(1)(w)(i) and 3(1)(w)(ii), 3(2)(va) of Scheduled Caste & Scheduled Tribes Prevention of Atrocities Act, 1989 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 shall attend concern Police Station on every 2nd and 4th Monday of the month till conclusion of the trial.
5.	Applicant/accused shall furnish his permanent address alongwith cell phone number.
6.	Bail before this Court.
7.	Inform concerned police station.
8.	Inform jail authority by E-mail.

Date : 10-02-2026

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