

IN THE COURT OF SPECIAL (POCSO) JUDGE , NASHIK

ORDER BELOW EXH. 4 in SPECIAL(POCSO) CASE NO. 339 of 2025

MHNS010083322025

(Dated 08.01.2026)

1] Applicant/accused **Sham Ashok Angre** is seeking bail as per Section 483 of BNSS, 2023 in Crime No. 710/2025 registered with Ambad Police station, Dist. Nashik for the offences punishable under section 137(2), 64(1) of BNS, 2023 and Section 4, 8 and 12 of The Protection of Children from Sexual Offences Act, 2012.

2] Prosecution's case is that, on 07.10.2025 informant, father of victim lodged the report. According to him, on the said day at 7.00 a.m. victim left the house to attend the college. She did not return till 12.30 p.m. Victim was searched but she was not found. CCTV footage of college was checked, wherein it was noticed that victim had left the college at 10.00 a.m. As the victim was not found, informant lodged the report. Further according to prosecution, victim and accused on a motorcycle went to village Madkejam Tal.Dindori, wherein victim was kept in a house and accused involved in physical relationship with her. Thereafter, victim was taken to Songaon Tal.Dindori, there also it is alleged that accused committed penetrative sexual assault on the victim.

3] Applicant accused submits that, this is his second bail application. He is innocent, 19 years old boy and had love affair with victim who is aged 17 years old. Victim initiated love relationship. She had attained enough maturity to understand consequences of her act. Applicant submits that he is taking education at J.D.Sawant Arts,

Commerce & Science College, Pathardi, Nashik. Investigation is completed, Charge-sheet is filed. Accused has deep roots in the society. He is ready to abide all conditions.

4] Prosecution & I.O. has filed say at Exh. 10 & 11. Victim has filed her say at Exh.8. Today, accused has placed on record his examination receipt, H.S.C. examination time table, copy of chats and photographs.

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

6] Heard ld. Advocate Shri. Yogesh Jadhav for applicant/accused and Ld. APP Shri. S. H. Sonawane. Heard learned advocate for victim.

7] It is submitted on behalf of applicant accused that, investigation is completed and charge-sheet is filed. There was no force used. The relationship was consensual.

8] Learned advocate placed reliance on decision of **Anirudha Yadav V/s. State of Maharashtra 2020 (4) Bom. C.R. (Criminal) 269**. In this case, victim was 14 years and 11 months old, accused was 25 years old. Conduct of victim indicated that, she left the house of parents on her own will and surrendered to physical desires, out of love and affection. There was no case of applicant having promised to marry victim. Hence, bail was granted.

9] Similarly, reliance is placed on **Ashik Ansari V/s. State of Maharashtra Criminal Appeal No.1184 of 2019, 2023 SCC Online Bom. 1390**.

10] If facts of the present case are considered, then initially a missing report was lodged. On 20.10.2025 supplementary statement of victim was recorded by I.O. Victim stated that, she and the accused met at C.B.S. bus stand, they got acquainted, accused used to take her photographs. There after, on 07.10.2025 accused called her outside the college. That time accused, switched off his and her cellphone. Accused had brought unnumbered two wheeler vehicle and from the said vehicle, took the victim to village Madakejamb at the house of one Mangesh and told that, he and victim are husband and wife. Further, victim states that, on 07.10.2025 till 11.10.2025 accused used to have forceful penetrative sexual assault. Thereafter, accused took her to village Songaon and in the house of one Gokul Khade, they both stayed.

11] Thus, prima-facie from the statement of victim, I do not find relations were consensual one. The photographs and the chats are to be consider at the time of trial. At this stage based on photographs of accused and victim a relationship of love and affection cannot be inferred. Hence, aforesaid decisions do not advance assistance to accused.

12] Admittedly, this is second bail application. The first bail application was rejected and now, except filing of charge-sheet, there is no change in circumstance. The statement of the victim before police as well as learned Magistrate is the same. The allegations are of penetrative sexual assault on minor victim. Said allegations are of serious nature. If bail is granted, possibility of threat or inducement to the minor victim cannot be ruled out. No doubt, accused is 19 years old, this itself cannot be a ground to grant him bail. Mere filing of H.S.C. examination time table, will not lead to an inference that,

bail should be granted. Statement of the victim is sufficient to infer seriousness of the crime. For these reasons, I pass following order :-

13] Application stands rejected.

Nashik
Date: 08.01.2026

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