

MHNS070017272025

The State of Maharashtra &
others

...Complainant

Vs

Ajay Babu Mohan

... Accused

ORDER BELOW BAIL APPLN. Exh.29
(Passed on 12/03/2026)

1. This is successive application for bail filed on behalf of accused who is charge-sheeted in connection with C.R. No.268 of 2025 registered at Nandgaon Police Station for the offence p/u/s 64(2)(m), 69 of the Bhartiya Naya Sanhita, 2023 (hereinafter referred as 'the B.N.S.) and Section 4, 6 of the Protection of Children from Sexual Offenses Act, 2012 (hereinafter for short ' the POCSO Act').

2. Ld. APP for the State has opposed the application by filing written say of I.O. at Exh.33.

3. The support person of the concerned Foundation appeared for the victim and opposed the bail application by filing her written say at Exh.35.

4. Heard, Shri. R.V. Pagare, Ld. advocate for the accused and Shri. S. K. Sonawane, Ld. APP for the State. Both argued vehemently. Also heard the support person of the concerned Foundation who is appeared for the victim.

5. Ld. Advocate for the accused submitted as under :-

After the completion of investigation charge-sheet is filed and now the case is part heard. The accused is in Jail since 19/06/2025. Therefore, for about more than 9 months he is in Jail. Material

witnesses including the informant, victim and medical witnesses are already examined by prosecution. All allegations against accused in the FIR are false. In fact, the accused and victim were in love with each other and when the family members of the victim got knowledge of this false report is lodged. The accused is 25 years old. If he is kept in the Jail for longer period, there is every possibility of affecting his mental health. The other witnesses are yet to be examined by the prosecution. Therefore, it will take time for the conclusion of trial. The accused has no criminal record. He has no criminal antecedents. Except this crime no other crime is registered against him. In fact, he has not committed the alleged offences. He is ready to abide all conditions of bail. He will attend the court regularly. Therefore, regular bail be granted to the accused.

6. On the other hand, Ld. APP for the State and the support person for the concerned Foundation for the victim submitted as under-

The accused was knowing that victim was below 18 years of age, still he committed sexual intercourse with her repeatedly against her will. Therefore, she became pregnant and she has delivered a male child on 19/11/2025. At the relevant time the victim was 16 years and 5 months old. Therefore, the provisions of the POCSO Act are applicable. Already the case is part heard and till date five witnesses are examined by the prosecution, therefore, it will not take longer time for the conclusion of trial. All the witnesses are supporting to the prosecution case. Under the provisions of POCSO Act there are certain presumptions. Therefore, and as all earlier bail applications filed on behalf of accused are rejected, the present application should also be rejected.

7. Admittedly, earlier bail applications filed on behalf of the accused is/are rejected on merits. This application is filed when the case is part heard and the prosecution has examined five witnesses. Record shows that accused is charge-sheeted for the offence p/u/s 64(2)(m), 69 of the B.N.S. and Section 4, 6 of the POCSO Act. After going through the charge-sheet, allegations in the FIR and statements of witnesses and School Register Extract of the victim, prima facie it can be said that birth date of the victim is 09/01/2009. The alleged incidents took place during the period from 16/11/2024 to 03/06/2025. It means at the time of alleged incidents the victim was below 18 years of age. I have gone through the evidence of victim/PW 1 and the mother of victim i.e. PW 2. Both are supporting to the prosecution story/case. The medical witnesses i.e. PW 3 and 4 are also supporting to the prosecution story/case. The panch witness is also examined by the prosecution and he is supporting to the prosecution case that the spot panchnama was drawn at the spot. Considering the substantive evidence of the PW 1 to 5, it can be said that all these witnesses are supporting to the prosecution case/story. The offence for which the accused is facing trial is under the provisions of B.N.S. and the POCSO Act. The prosecution is ready to examine other witnesses on day today basis. Considering the number of witnesses remained to be examined by the prosecution, it can be said that the prosecution would complete the examination of other witnesses within short time and the trial can be concluded within short period. In view of this, it can be said that at this stage the accused is not entitled for regular bail. Hence, I pass the following order.

ORDER

1. The application is hereby rejected.

2. The prosecution to examine remaining witnesses on next date i.e. on 20/03/2026.
3. Inform accordingly, to the D.G.P./PP and Police Station Officer of the concerned Police Station.

(Soft copy of this bail order be sent to the concerned Jail Authority through E-mail for providing its copy to the accused.)

Date- 12/03/2026
Malegaon.

(K. R. Patil)
Addl. Sessions Judge/Special Judge,
Malegaon, Dist. Nashik.