

MHNS070007972025

Spl. Case (POCSO) No. 117/2024The State of Maharashtra
V/s
Samadhan Kailas Pawar**ORDER BELOW Exh.28**
(Passed on 05/01/2026)

1. This is an application for cancellation of Condition No. 2(iv) imposed on the accused vide order dt. 07/07/2025 passed by the Ld. Additional Sessions Judge, Malegaon below Exh.12 i.e. application for bail.
2. Ld. APP opposed the application by filing written say of I.O. at Exh.30.
3. Heard, Smt. S.B. Sharma, Ld. advocate for the accused and Shri. S. K. Sonawane, Ld. APP for the State. Both argued vehemently.
4. Ld. Advocate for the accused submitted as under-
The accused is obeying the conditions imposed by the Court on him while granting bail to accused vide order dt.07/07/2025 passed below application at Exh.12. The accused has not entered in the village Ravalgaon to obey the Condition No.2(iv) imposed in the said order. The mother of accused, since last few weeks, is suffering from illness and there is no one to look after her as she is widow and age old lady. Therefore, to look after his mother and to take proper care of his mother it is necessary to accused to enter in her house. Without residing with her in the said house, it is impossible for accused to take care of his mother. Therefore, it is necessary that the said condition be cancelled. Hence, this application.
5. On the other hand, Ld. APP for the State submitted as under-

The offence is serious as it is against minor girl. The accused and informant are residents of same lane and if the accused is again allowed to reside in his house, the question of maintaining law and order situation may arise. Further, the accused will pressurize the informant, victim and other witnesses. Further, he may commit any other serious offence. Therefore, the application should be rejected.

6. I have gone through the order dt.07/07/2025 passed by the Ld. Additional Sessions Judge, Malegaon below Exh.12 i.e. application for bail. The Condition 2(iv), in the said order, reads as under-

“ (iv) The applicant/accused shall not contact to victim by any mode and shall not enter her premises of residence and place of her education also the applicant shall not contact to the informant and his family by any mode and shall not enter the premises of residence of informant.”

After reading the above condition, it is clear that the accused is not prohibited from entering in the village Ravalgaon and to visit his residence. The above condition is pertaining to the premises of residence of victim and her place of education and the premises of residents of informant. Therefore, it cannot be said that accused is not allowed to enter in village Ravalgaon and to visit his house. As such, it is not necessary to cancel the above said condition. Therefore, the application is to be rejected. Hence, I pass the following order.

ORDER

1. The application Exh.28 is hereby rejected.
2. Inform accordingly, to the D.G.P./PP and Police Officer of the concerned Police Station.

Date:- 05/01/2026
Malegaon

(K. R. Patil)
Addl. Sessions Judge, Malegaon.