

MHNS070022982025

Special Case No. 210 of 2025



The State of Maharashtra

Vs

Kundan @ Dipak Anil Shinde

ORDER BELOW Exh.4
(Passed on 13/03/2026)

1. This is an application for bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023, for grant of regular bail to accused who is charge-sheeted in connection with C.R. No. 314/2025 registered at Jaikheda Police Station for the offence p/u/s. 64, 64(2)(m), 351(2)(3) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter for short 'the B.N.S.') and Section 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter for short 'the POCSO Act').

2. Ld. APP for the State opposed the application by filing written say of I.O. at Exh.6.

3. Informant and victim appeared and opposed the bail application by filing written say at Exh.7.

4. Heard, Shri. M.P Pawar, Ld. advocate for the accused and Shri. S.K. Sonawane, Ld. APP for the State/Respondent. Both argued vehemently. Heard, the informant and victim in person.

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

Already investigation is complete and charge-sheet is filed. The accused is in Jail for more than six months. The FIR is lodged against unknown person. It is alleged that the accused enticed the victim and took her alongwith him and committed rape on her. All false allegations are made against accused. He is arrested only on the basis of suspicion. He has not committed the alleged offences. He is falsely implicated. Therefore,

sections levelled could not be attracted against him. He is having permanent residence. He is not having criminal antecedents. At present his age is only 19 years. If bail is not granted he will be in the company of harden criminals in the Jail. It will affect his mental health. He will ready to abide all conditions of bail. Therefore, regular bail be granted to the accused.

6. On the other hand Ld. APP for the State and informant and victim in person submitted as under-

The offence is serious as it is against minor girl. The accused was having knowledge that the victim is 14 or 15 years old. On 01/09/2025 at about 11.00 a.m. he followed her when she was going to her School. He stopped her and asked her to accompany him. When she refused, the accused threatened that if she would not accompany him he would commit suicide and then accused took her towards village Dhyane and brother of the accused came there and he took them ahead of village Bhilwad and the accused pressed her mouth and committed rape on her or forcibly committed sexual intercourse with her. All these acts of the accused are offences under the provisions of POCSO Act and the relevant Sections of B.N.S. There is sufficient evidence and material against accused showing his involvement in committing the said offences. The offence is serious as it is offence of rape against minor girl. The accused forcibly took the victim with him and committed rape on her. If bail is granted, there is every possibility that he will pressurize the informant, victim and other witnesses and tamper with the prosecution evidence. Further, he will commit similar kind of offence or more serious offence against the victim. Therefore, the application should be rejected.

7. Admittedly, charge-sheet is filed against accused for the offence p/u/s. 64, 64(2)(m), 351(2)(3) of the B.N.S. and Section 4, 6, 8 and 12 of the POCSO Act. In the FIR it is alleged that some unknown

person kidnapped the victim from the lawful guardianship. Alongwith the charge-sheet police have filed investigation papers including the report, FIR, statements of witnesses, supplementary statement, the medical examination reports of victim and accused. In the application for bail it is not pleaded that the present case is of a love affair between accused and the victim. In the bail application it is pleaded that accused has not committed the alleged offences and he did not kidnap the victim and he is arrested only on the basis of suspicion. However, after going through the contents of charge-sheet, copy of FIR, the statement of victim and witness and the supplementary statements, prima facie it can be said that at the relevant time the victim was about 15 years old and that the accused followed her when she was going to School and asked her to accompany him otherwise he would commit suicide and then he forcibly took her and thereafter his brother took both at one place ahead of village Bhilwad where the accused forcibly committed sexual intercourse or rape on the victim.

8. Prima facie there is sufficient material and evidence showing the involvement of accused in committing the offences punishable under the provisions of the POCSO Act and the relevant Sections of the B.N.S. At this stage, it cannot be said that the accused is falsely implicated as there are certain presumptions under the provisions of the POCSO Act. Further, it can be said that if bail is granted to accused there is every possibility of his committing similar kind of offence or more serious offence against the victim. Further, there is possibility of his absconding. Already charge-sheet is filed, therefore, the charge can be framed and trial can be expedited. The prosecution is ready to conduct the trial on day to day basis. In view of this and considering the nature of offences and punishment prescribed for the said offences for which charge-sheet is filed against accused, it can be said that at this stage the accused is not entitled for regular bail. As such,

the application is to be rejected. Hence, I pass the following order.

ORDER

1. The application is hereby rejected.
2. The case is fixed for framing charge against accused on next date i.e. on 23/03/2026.
3. Inform accordingly, to the D.G.P./P P, the concerned Jail Authority and Police Station Officer of concerned Police Station.

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

Date- 13/03/2026
Malegaon.

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