

**ORDER BELOW BAIL APPLICATION VIDE EXH. 5 IN SPECIAL
CASE NO. 44 OF 2025**

[The State of Maharashtra through Niphad Police Station vs.
Krushna @ Kishor Devidas Pawar]

The Applicant/Accused has filed the present application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of bail. He is arrested in CR No. 136 of 2025 registered at Niphad Police Station for the offences punishable under sections 4, 6, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012. (In short POCSO Act).

02] Brief facts leading to the case of prosecution are as under -

As per the FIR lodged by father of the victim child, they are residents of Pimpari (Raulas), Tal. Niphad, Dist. Nashik. The informant has one son, aged 7 years and one daughter, aged one year. On 20.04.2025, when he had gone for daily-wages in the morning, his son was found crying and he was unable to walk properly. The informant and his wife immediately took their son near to them and asked as to what has happened, wherein they were informed that the accused took the child to an abandoned house, alluring him to show some pictures on a mobile. Then, the accused committed unnatural sex with the child by putting his penis into the anus of the child. The child started shouting when penetrative sexual assault was committed to him. He was also started bleeding at his anus. Therefore, the informant immediately took him to Government hospital at Niphad. The

child was admitted there and then report came to be lodged against the accused.

03] The applicant submitted that this is a second bail application, which is filed after change in circumstances, which were there at the time of deciding first bail application. Initially, the first bail application bearing Criminal Bail Application No. 207 of 2025 was rejected by this court considering the very initial stage of the investigation. Now, the charge-sheet is filed and thus, investigation is complete.

04] It is also submitted that medical papers of the victim and the accused do not correspond with each other, insofar as, the alleged incident is concerned. The Medical Officer has clearly opined that there is no penetrative sexual activity found with the accused, when he was medically examined. This may be sufficient to infer his innocence in the present case.

05] Moreover, it is submitted that the accused himself is 19 to 20 years old. His continued detention would adversely affect his progress in the career. He is ready to abide by the conditions as may be imposed by the court. In view thereof, prayer for grant of the application is made.

06] The State replied (Exh. 8) the application contending that the offence is very serious and the informant and his entire family is in shock. In fact, people in the vicinity are in shock. The accused may indulge such types of activities, if he is released on bail. He may pose serious threats to the witnesses including the victim. As such, prayer for dismissal of the application is made.

07] The guardian of the victim has also filed his reply below Exh. 10, contending that the accused is his neighbour and once he is released on bail, there would be severe psychological impact on the victim. As such, prayer for dismissal of the application is made.

08] Heard both sides. The offence is very serious and carries minimum punishment for a term of 20 years, which may extend to imprisonment for life, which shall mean imprisonment for a remainder of natural life of that person. It is noticed that medical examination of the accused was conducted two days after the incident and therefore, the same might have been affected, in not finding any injuries on his genitals. Medical examination of the victim however, corroborates claim made in the FIR. The case of false implication is not very inspiring, at this stage.

09] The release of the accused would certainly pose serious threats to the witnesses. The victim has recorded his statement under section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). In the said statement also, the victim has given the details of the incident and there is no variance as such, in the said statement and the contents of the FIR.

10] Considering gravity of the offence and the involvement of the child in the said offence, this court is not inclined to grant bail to the accused. As such, the application is liable to be rejected. Accordingly, I pass the following order.

ORDER

Application is rejected.

Place : Niphad
Date : 18.08.2025

(A. T. Kale)
Additional Sessions Judge,
Niphad.