

**ORDER BELOW BAIL APPLICATION VIDE EXH. 13 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 the third bail application, which is filed after change in circumstances. Initially, the first bail application bearing Criminal Bail Application No. 207 of 2025 was rejected by this court considering the initial stage of the investigation. Then, the charge-sheet is filed. Again his bail application was rejected holding that the offence is serious and the release of the accused would cause some severe psychological impact on the victim.

04] Now, 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. It is claimed that continued detention of the accused is causing him severe depression and he may suffer from mental illness, if he is not released on bail. In view thereof, prayer for grant of the application is made.

05] The applicant placed reliance on the decision of the Hon'ble Bombay High Court in **Niklesh Prakash Patil vs. The State of Maharashtra in Criminal Bail Application No. 1208 of 2025, dtd. 08.05.2025** and **Mohammed Ajaan Khan vs. The State of Maharashtra and anr. in Bail Application No. 4621 of 2024, dtd. 13.02.2025.**

06] The State replied (Exh. 14) 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. Moreover, the present application is filed without there being any change in circumstances after earlier rejection of bail on 18.08.2025. The application does not even make a single reference about change in circumstances. Such an application cannot be entertained. As such, prayer for dismissal of the application is made.

07] 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. Medical examination of the victim corroborates claim made in the FIR. The case of false implication is not very inspiring, at this stage. The observations regarding the same are already made while deciding the earlier bail application and therefore, those are not to be repeated again and again.

08] 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.

09] The case laws cited on behalf of the applicant are clearly distinguishable to the facts and circumstances of the case. In **Mohammed Ajaan Khan** (supra) it was a case of love relationship between the accused, who was 22 years old and the

prosecutrix, which was 16 years old. Considering the consensual physical relationship between the two, the accused therein was granted bail. In **Niklesh Prakash Patil** (supra) the accused was incarcerated for more than seven years in Jail, pending the trial and therefore, considering long delay and having regard to the other accused being released on bail, the applicant therein was granted bail.

10] In the present case, there is neither a case of long incarceration nor a case of consensual relationship and therefore, both the decisions of the Hon'ble Bombay High Court are not helpful to the case of the applicant.

11] 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 : 14.10.2025

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

