

Order below Exh.86 in Spl.Case (POCSO) No.18/2025
(CNR No.MHOS01-000391-2025)

This is the application filed by the applicant/accused- Nischal Madhukar Bondar for grant of regular bail under Section 483 of the B.N.S.S.

2. Prosecution case in nut shell is that at the time of incident the victim was 3 years, 6 months of age and the accused was the neighbour of the victim. Mother of the victim reported that, on 18-12-2024 in the evening at around 07.30 p.m., as the mother of accused had made phone call asking the informant to send the victim for playing at their home, the informant had left the victim at the house of accused. In the night at around 09.30 p.m., the mother of the accused had left the victim at the house of victim. At that time, the informant, her husband and elder son were sitting in the hall. Victim came and told by touching her private part that she has pain there. The informant removed the pant of the victim and observed the blood and some void fluid at private part of the victim. Informant took the victim in confidence and at that time victim again told that the accused Nischal Dada had inserted his finger in her private part. Victim said that the accused had inserted cockroach in her organ of urination and thereafter F.I.R. came to be registered against the applicant/accused.

3. It is submitted in the bail application vide Exh.86 by the applicant that, he is behind the bars since 19-12-2024, the father of victim is working in police department and at the time of incident he was working in Divisional Office at Dharashiv. It is submitted that, as the mother of accused and the informant are belonging to Nanded

district both of them were having good family relations with each other. It is submitted that the accused was taking education in B.C.A. faculty, the husband of informant is of suspicious nature as he was working in police department. According to the applicant, as the victim had urine infection she was admitted in the hospital for 3-4 days. It is further submitted by the applicant that, as the father of victim is working in police department he taught the victim the words like cockroach hence the victim answered in affirmative about the term cockroach when asked to her. It is submitted that, the father of victim compelled the informant to lodge the F.I.R. as per his narration. Applicant submitted that, he has not committed any offence, his mother is a doctor by profession and his father is a contractor. He submitted that he is innocent and is falsely implicated. He submitted that the Hon'ble High Court granted interim bail to him for appearing for examination and his career is getting hampered due to his pre-trial imprisonment. Applicant pointed out that, the F.S.L report and the medical report does not supports the prosecution case. It is further submitted by the applicant that though the incident took place on 18-12-2024 steps were not taken immediately by the informant to lodge the F.I.R. and thus the F.I.S. is false and concocted. It is further submitted that, on 16-12-2024 the father of the victim gave threat of life to the applicant and due to the said reason accused had filed the complaint before the Dy.S.P., Dharashiv against him on 17-12-2024 but the said complaint was withdrawn on the same day to avoid clashes between the said families. It is submitted that the accused is innocent and be enlarged on the bail.

4. Prosecution has resisted the bail application by filing say at

Exh.91 contending that, this is the 6th bail application filed on behalf of the applicant/accused and there are no change in the circumstances to consider the bail application. It is submitted that, as there are no change in circumstances and keeping in mind the contents of the charge-sheet that the accused had committed heinous offence of penetrative sexual assault on 3 ½ aged girl, his bail application be rejected.

5. Heard, the learned advocate for the accused and learned Addl.P.P. for the state. Both of them have submitted in tune of their respective pleadings.

6. I have perused the charge-sheet before me. Victim in the present case was just of 3 years when incident took place. F.I.R. prima-facie reveals the commission of heinous offence of penetrative sexual assault by fingering. Punishment prescribed to the said offence is minimum 20 years of rigorous imprisonment which may extend to the life imprisonment for the remainder of life. Whether the medical evidence or F.S.L. reports are supporting the prosecution or not is matter of trial. At this juncture, considering the prima-facie case wherein involvement of the accused in heinous offence is made out I do not find it is a fit case for bail. Hence, the following order is passed:

ORDER

Application (Eh.86) stands rejected.

(Dictated and declared in open Court.)

Dated:- 20.03.2026.

(A. D. Deo)
Special Judge, Osmanabad.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	--	A.S.Aghor, Stenographer (Grade-I)
Court	--	District Court, Osmanabad (On Deputation)
Date	--	20.03.2026
Order signed by the Presiding Officer on	--	20.03.2026
Order uploaded on	--	23.03.2026