

**Special Case (POCSO) No. 109/2025**

State of Maharashtra	... <u>Prosecution</u>
<u>Versus</u>	
Bablu Dnyanoba Chavhan	... <u>Accused</u>

ORDER BELOW EXHIBIT – 09

(Passed on 31/10/2025)

1] By this application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 the applicant/accused is seeking regular bail, who was arrested on 13/08/2025 in connection with C.R. No.459/2025 registered with Jintur Police Station for the offence punishable under Sections 64, 65(2), 75 and 329(4) of the Bhartiya Nyaya Sanhita, 2023 (in short “BNS”) and Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 (in short “POCSO Act”).

2] Heard Ld. Counsel for the accused and Ld. A.P.P. for the Prosecution.

3] The Ld. Counsel for the applicant/accused submitted that, the accused is falsely implicated. He contended that there is disparity in the statement of the victim-girl and other two witnesses who allegedly present in the house. He further contended that the statements of eye-witnesses recorded by the police reveals the absence of witnesses on the spot. He further contended that name of

the accused is implicated on the basis of suspicion. There is no prima facie evidence about involvement of the accused in the crime. The accused is behind bar since more than two months. He is only earning member of the family. The applicant/accused is ready to abide by any stringent condition imposed by the court and prayed for releasing him on bail.

4] Per contra, Ld. PP by filing say at Exh.10 opposed the application and submitted that, the victim-girl is minor and involved in the serious crime. The mobile of the accused is sent for chemical analysis and report is awaited. If the accused is released on bail, he will not be available for trial and will pressurize the witnesses and prayed for rejection of the application.

4A] Pursuant to notice, the informant-mother of the victim-girl filed her say (Exh.10B) and opposed the bail application expressing fear for their life at the hands of the accused.

5] While deciding bail application, the relevant considerations are the nature of accusation, manner of commission of crime, the severity of punishment, nature of evidence in support of accusation, possibility of tampering of witnesses and evidence, impact of crime on society, possibility of abscondance of the accused, criminal

antecedent of the accused and danger of repetition of crime etc. At the same time, the personal liberty of the accused is also required consideration.

6] Upon hearing and perusal of the charge-sheet, it appears that, the report is lodged by mother of the victim-girl with the accusation that on 12/08/2025 at about 03:00 p.m. she along with her mother had been to the field and her minor daughter M.- victim-girl aged about 7 years, son M. is aged about 13 years and niece S. aged about 08 years were playing at the house. When she returned at about 05:30 p.m., at that time, all three children disclosed that the accused had been to their house and tried to drag S., however, she rescued herself and then, the accused took her minor daughter M. aged about 7 years in the house and committed sexual assault on her and snapped photograph of her private part in his mobile.

7] The charge-sheet reveals that the accused attempted to cause sexual harassment to minor victim-girl-S. aged about 8 years, however, she by giving jerk to the hand of the accused rescued herself and then, the accused took the victim-girl-M. aged about 7 years and committed penetrative sexual assault on her and even snapped the photographs in his mobile. The statement of victim-girl and witnesses is recorded by the Ld. Magistrate U/Sec.183 of the BNSS which reveals the act and involvement of the

accused. The panchnama of seizure of mobile of the accused prima facie reveals the obscene photographs of private part of small girl child. Said mobile is sent for chemical analysis and report is awaited. Thus, prima facie there is evidence about involvement of the accused in serious offence of penetrative sexual assault on the minor victim-girl aged about 7 years. In such circumstances, the apprehension of Ld. P.P. and the informant about tampering of evidence and non availability for the trial is well founded. Thus, in the peculiar facts of the case, no case made out to release the accused on bail. Hence, I pass the following order.

-: <u>ORDER</u> :-	
1]	The application is rejected.
2]	Communicate this order to the Superintendent of Jail by E-mail.

Place : Parbhani
Date : 31/10/2025.

(**Ms. U.M. Nandeshwar**)
Session Judge, Parbhani
Judge Code – MH02331.

<u>CERTIFICATE</u>		
I affirm that, the contents of this P.D.F file Order are same, word to word, as per the original order.		
Name of Stenographer		S.S.Shirale, Steno
Court		Sessions Court, Parbhani
Date of order		31/10/2025
Order signed by the Presiding Officer on		31/10/2025
Order uploaded on		31/10/2025