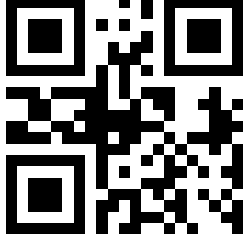


MHPA100003192026



**ORDER BELOW EXHIBIT No.1 IN
CRI. BAIL APPLICATION No.98/2026.**

Sandip s/o Dadarao Chavan

Vs.

The State of Maharashtra + 1

1. Present application is moved by applicant-accused Sandip s/o Dadarao Chavan for releasing him on bail, in connection with Crime No.114/2026, registered with PSO, Pimpaldari, for commission of offence punishable under Sections 376 (1) and 376 (2) of Indian Penal Code and Sections 4 and 8 of Protection of Children from Sexual Offences Act.

2. It is contended that informant/ victim lodged report with police stating that the accused on false promise of marriage, committed sexual assault on the victim. Complaint lodged by the victim is false. At the time of lodging the complaint, the victim was aged about 18 years and 04 months and was major. Therefore, provisions of P.O.C.S.O. Act are not applicable. The marriage between the accused and the victim is called off and therefore, she lodged false report. The accused is behind bar since 29/03/2026. The accused has to maintain his family. He is ready to abide by all terms and

conditions which may be put forth by the Court. It is prayed that accused be released on bail.

3. Ld. APP vide say Exh.9, strongly opposed the application. It is contended that offence registered against the accused is of serious nature. Accused and the victim are relatives of each other. The accused may pressurize the witnesses. The accused may commit similar offence if released on bail. During investigation, statements of witnesses are recorded and spot panchnama is also prepared. It is prayed that application be rejected.

4. The victim also filed her affidavit at Exh.14 and reiterated the contents of report. It is contended that at the time of incident, the victim was minor and the accused committed sexual act on her on a false promise of marriage. The accused refused to perform marriage with the victim. Due to false promise given by the accused, she permitted the accused to commit such act. The family members of the accused are giving threats to her and her family members to withdraw the case. Certain photographs of the victim are stored in the mobile handset of the accused and he gave threat to circulate it on social media. Life of the victim and her family members is in danger at the hands of the accused. It is prayed that application be rejected.

5. Heard both sides. It appears that on 28/05/2026 the victim lodged report with PSO, Pimpaldari stating that she came to know the accused in the year 2021 as he is relative of her aunt. Since long, they were chitchatting through mobile handset. In the year 2024, the accused assured the victim that he will marry her and committed sexual act with her. Then the accused also committed sexual acts with the victim after 07/01/2025. Then on 10/05/2025, marriage of the victim was fixed with the accused, the age of the victim was not 18 years. It was decided to perform marriage after completion of 18 years. During this time, so many times the accused and the victim were in sexual relationship with each other. After some time, the accused started giving abuses to the victim. The accused also avoided her. The accused on false promise of marriage, from time to time, committed sexual acts with the victim and refused to marry her.

6. On the basis of such report, a crime bearing No.114/2026 for offence punishable under sections 376(1) and 376(2) of Indian Penal Code and Sec.4 and 8 of P.O.C.S.O. Act came to be registered against the accused. Ld. Advocate on behalf of the accused argued that at the time lodging the report, the victim was major and, therefore, provisions of POCSO Act are not applicable. School leaving certificate of the victim discloses that her date of birth is 28/01/2008.

According to the victim, the accused committed sexual acts with her in the year 2024 and 2025. So, at the time of such acts, the victim was minor. According to the case of the prosecution, due to false promise given by the accused, the victim permitted the accused to commit the sexual acts. The victim was minor at the time of incident so, her consent is also immaterial. It also appears that statement of the victim under the provision of Sec.183 of BNSS is recorded, where she stated all these facts during her statement. It also appears that the victim was medically examined at Sub District Hospital, Gangakhed. It also appears that during her medical examination, hymen was found ruptured. Though affidavit of one Pandit and one Dnyaneshwar is placed on record on behalf of the accused stating that the marriage between the accused and the victim was called off at the say of the victim, said fact is not sufficient to release the accused on bail.

7. Prima facie, it appears that at the time of incident, the victim was minor. So also, a false promise of marriage was given by the accused and from time to time the accused committed penetrative sexual assault on the victim. As the victim was minor at the time of incident, her consent becomes immaterial. The offence registered against the accused is of serious nature. Investigation of the crime is also at initial stage. The victim and the accused are relatives of each other. So, possibility of tampering the witnesses can not be ruled out.

In such circumstances, this is not a fit case to release the accused on bail. Hence, following order.

-:- ORDER -:-

1. Bail application is rejected.
2. Inform Jail Authority accordingly.

Date 20/06/2026

(G. P Bawaskar)
Addl. Sessions Judge/
Special Judge, Gangakhed.