



Criminal Bail Application No.-234/2026

**Swapnil Vishnu Khomne Vs. State of Maharashtra
through Yavat P.S.**

(A)	CASE DETAILS	
	FIR Number & Date	191/2026, 01/03/2026
	Police Station, District and State	Yavat Police Station, Dist. Pune Maharashtra
	Sections invoked	137(2), 64(2)(j) and 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 and under section 4, 6, 8 and 12 of POCSO Act.
	Maximum punishment prescribed	Life Imprisonment.
(B)	CUSTODY & PROCEDURAL COMPLIANCE	
	Date of Arrest	27/03/2026
	Total period of custody undergone	3 Months.
(C)	STATUS OF TRIAL	
	Stage of proceedings (Investigation/Chargesheet/Cognizance/Framing of Charges/Trial)	Production after filing chargesheet
	Total number of witnesses cited in the chargesheet	10 witnesses
	Number of prosecution witnesses examined	NIL
(D)	CRIMINAL ANTECEDENTS	
	FIR No. & Police Station	According to accused – Nil.
	Sections	---
	Status (Pending/Acquitted/Convicted)	---

(E)	PREVIOUS APPLICATIONS	BAIL	
	Court		According to accused – Nil.
	Case No.		Nil
	Outcome of case		Nil
(F)	COERCIVE PROCESSES		
	Whether any Non-Bailable Warrant was issued		No.
	Whether declared a proclaimed offender		No.

ORDER BELOW EXH.-01

01] This is an application, filed by accused/applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for granting regular bail from Crime No.191/2026, registered with Yavat Police Station, punishable under Sections 137(2), 64(2)(j) and 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 and under section 4, 6, 8 and 12 of Protection of Children From Sexual Offences Act, 2012.

02] The prosecution by say at Exh.05 denied all allegations, contested the application on various grounds and requested for rejecting it.

03] Heard Ld. advocate Shri. R. D. Kshirsagar for accused/applicant and APP Shri Sandip Ohol for State. Perused record. Following points arise for determination and my findings thereon for the reasons recorded thereunder are as follows :-

Sr No.	Points	Findings
1.	Whether the accused/applicant is entitled to get relief of bail ?	<u>Yes.</u>
2.	What order ?	<u>As per final order.</u>

REASONS

AS TO POINT NOS-1 AND 2 :-

04] In support of the application the accused/applicant has produced on record his affidavit at Exh.05.

05] In support of the say, the prosecution has not produced on record any affidavit.

06] It reveals that, on 26.02.2026 at about 1.00 p.m., the accused/applicant kidnapped minor daughter aged about 16 years and 01 month of complainant, from his lawful guardianship without his consent or knowledge, taken her at his sister's house, committed repeated rape on her till 25.03.2026, in tin shed near the said house and when police came there, he ran away.

07] Advocate of accused/applicant submitted that, the accused/applicant has not committed any offence, he is falsely came to be involved in alleged offence, though he is married, his wife is not residing with him, he is ready to marry with the victim, who is of understandable age, the relations taken place in between them were consensual, the investigation is over, the victim refused to undergo medical examination, he is permanent resident of given address, ready to give appropriate bail and abide by it's

conditions and may be released on conditional bail, otherwise he will suffer an irreparable loss.

08] The prosecution objected and APP submitted that, the accused/applicant has committed very serious offence of kidnapping minor girl of the complainant and committing repeated rape on her, though refused to undergo medical examination, there is prima facie evidence against accused/applicant, he is already married aged about 31 years and inspite of that committed repeated rape on victim who is aged about 16 years and if he is released on bail, he will pressurize and tamper prosecution witnesses, will destroy the evidence, will repeat similar kind of the offences, will create law and order problem and will abscond.

09] After hearing arguments of Ld. Advocate of accused/applicant and APP, I have gone through the record. It reveals that, according to the complainant, the victim is aged about 16 years and is taking education in 10th Standard, at the time of happening of the incident. The statement of the victim is not prima facie disclosing that the accused/applicant already married. The Medical Certificate of victim dated 27.03.2026 prima facie shows that she married with the accused/applicant. However, her statement is not disclosing such is the fact. Admittedly, she refused to get medically examined. The copy of General Diary details dated 08.06.2026 and copy of say of victim prima facie shows that she has given no objection for granting bail to the accused/applicant. Admittedly, the investigation is over and chargesheet is came to be filed. On the background of the same, merely because the age of accused/applicant is 31 years, the objection of the prosecution for rejection of his bail application cannot be accepted as correct one. The other objections raised by the prosecution, the

accused/applicant is released on bail, he will pressurize and tamper prosecution witnesses, will destroy the evidence, will repeat similar kind of the offences, will create law and order problem and will abscond, appears to be without such criminal antecedents of the accused/applicant and apart from the the said objections can be taken care of by imposing conditions for which the accused/applicant is ready.

10] Considering facts, circumstances, evidence on record and legal position discussed above, I come to the conclusion that, the accused/applicant prima facie proved that, he is entitled to get relief of bail, but subject to certain conditions. Accordingly, point No.1 answered in the “Affirmative” and I pass the following order.

ORDER

1] Application is allowed as follows :

- i) The accused/applicant Shri. Swapnil Vishnu Khomane, R/o. Nangaon, Taluka-Daund, District-Pune subject to following conditions, he be released on conditional bail of PR of Rs. 1,00,000/- (Rupees One Lakh only) and one or two sureties in the like amount, from Crime No.-191/2026, registered with Yavat Police Station, punishable under Sections 137(2), 64(2)(j) and 64(2)(m) of Bharatiya Nyaya Sanhita, 2023 and under section 4, 6, 8 and 12 of Protection of Children From Sexual Offences Act, 2012.
- ii) The accused/applicant shall not abscond but attend the office of the investigating officer as and when ordered by him and also attend the dates fixed by the Court, without fail.
- iii) The accused/applicant shall not directly or indirectly make any inducement, threat, pressure or promise to any prosecution witnesses including the victim, shall not cause any danger to their

life or body and shall not in any manner, tamper with the prosecution evidence.

iv) The accused/applicant shall not enter into an area in which victim is residing and taking education, until further order or conclusion of trial, whichever is earlier.

v) The accused/applicant shall not commit similar kind of offences while he is on bail.

vi) The accused/applicant to furnish list of his three close relatives along with their names, addresses, address and identity proof, so as to approach them, in case he found unavailable.

2] Breach of any one of above conditions will be liable for cancellation of the bail.

3] Concerned clerk to do needful for sending soft copy of the bail order, by email, to the accused/applicant through the Jail Superintendent and also bring to the notice of the Court, if bail is not furnished by the accused/applicant, within 01 month from the date of the order.

Date:-22.06.2026.

(R. G. Malashetti)
Special Judge under POCSO Act,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Court Name :- R. G. Malashetti,
Special Judge under POCSO Act, Baramati

Name of Steno. :- I. E. Deshmukh, (Steno -Grade-1)

Date of order. :- 22.06.2026.

Order signed by P.O. on :- 22.06.2026.

Order uploaded on :- 22.06.2026.