

MHPU140008392025

**Special Case No.-61/2025**

**Vishal @ Popat Dhansing Khamgal Vs. State of
Maharashtra through Malegaon P.S.**

(A)	CASE DETAILS	
	FIR Number & Date	211/2024, 01/09/2024
	Police Station, District and State	Malegaon Police Station, Dist. Pune Maharashtra
	Sections invoked	74, 78, 352, 351 (2), 65 and 115 (2) of Bharatiya Nyaya Sanhita, 2023 and under sections 3(1)(w) and 3(2)(va) of SC & ST (Prevention of Atrocities) Act.
	Maximum punishment prescribed	Imprisonment for life
(B)	CUSTODY & PROCEDURAL COMPLIANCE	
	Date of Arrest	15/03/2025
	Total period of custody undergone	01 year and 01 month
(C)	STATUS OF TRIAL	
	Stage of proceedings (Investigation/Chargesheet/ Cognizance/Framing of Charges/Trial)	Evidence
	Total number of witnesses cited in the chargesheet	16
	Number of prosecution witnesses examined	NIL
(D)	CRIMINAL ANTECEDENTS	
	FIR No. & Police Station	1) CR No.182/2023 Baramati City P.S. 2) CR No.09/2025 Malegaon P.S.

	Sections	1) 376, 327, 323, 504 and 506 of IPC, 2) 64(2)(m), 309(6), 127 (4), 115 (2), 352 and 351 (3) of Bharatiya Nyaya Sanhita, 2023
	Status (Pending/Acquitted Convicted)	Pending
(E)	PREVIOUS BAIL APPLICATIONS	
	Court	Addl. Sessions Judge, Baramati
	Case No.	Special Case No.61/2025 Exh.02
	Outcome of case	Rejected as on 15.05.2025
(F)	COERCIVE PROCESSES	
	Whether any Non-Bailable Warrant was issued	No.
	Whether declared a proclaimed offender	No.

ORDER BELOW EXH.-17

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.-211/2024, registered with Malegaon Police Station, punishable under Sections 74, 78, 352, 351 (2), 65 and 115 (2) of Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(w) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

02] The prosecution by filing say below said application, denied all allegations, contested the application on various grounds and requested for rejecting it.

03] Heard Ld. advocate Shri. R. J. Kokare 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>No.</u>
2.	What order ?	<u>As per final order.</u>

REASONS

AS TO POINT NOS-1 AND 2 :-

04] In support of the application neither the accused/applicant and in support of the say, nor the prosecution have produced on record any affidavit.

05] It reveals that, there are allegations against the accused that, during the period in between 07.07.2024 to 25.08.2024, in the house of complainant/victim, on mobile phone and in the land of witness Shri. Kadam at Pawaimal, he by personally contacting the complainant/victim and on mobile phone calls and chats, told the complainant/victim that he likes her, asked her to remain in relations, on her refusal threatened her by saying will not rescue her sons and husband, harassed her by frequently taking rounds around her house, giving threats of killing her sons and husband, on 14.07.2024 after lunch time in land of witness Shri. Kadam he scuffled with her, inspite of her refusal threatened for doing viral her photographs taken at the time of bathing, pulled her hairs, taken her in sugarcane crops, committed forcible rape on her and on 25.08.2024 at

about 3.30 p.m., in front of her house, while washing household utensils, he caught hold her right hand, dragged her towards him, threatened her about doing viral said photographs on fake Instagram account.

06] Advocate of accused/applicant submitted that, the accused/applicant has not committed any offence, there is delay of 01 month in lodging FIR, there is contradictions in allegations in FIR and history given before her medico-legal examination, initially there were no allegations of rape but only allegations in respect of outraging modesty, on subsequent supplementary statement recorded after 03 days, offence of rape is registered against him, the ingredients of section 65 of Bharatiya Nyaya Sanhita, 2023 cannot be attracted, there is no any prima facie case against him, his earlier bail application is came to be rejected due to recording of 02 similar kind of the cases, however he is not convicted accused, his bail applications in said two cases are allowed by the Court, the Hon'ble High Court while passing order in Cri. Appeal No.694/2025 dated 03.09.2025 allowed him to file present application before this Court, his father is suffering from T.B. and undergone spine surgery, he is only member to look after his family including wife and minor daughter and if not released on bail, will suffer an irreparable loss.

07] Though the complainant/victim has not taken any objection, the prosecution objected and APP submitted that, earlier bail application filed by the accused/applicant is already rejected by the Court, there are no change in circumstances, similar 02 cases are registered against him, he has not filed the application as per format, the charge is framed and application under Section 294 of the Code of Criminal Procedure is already filed, the prosecution is ready to conduct the trial as early as possible and if

the accused/applicant is released on bail, he will pressurize and tamper prosecution witnesses, repeat similar kind of the offences and will abscond and as such he is not entitled to get relief of bail.

08] After hearing arguments, I have gone through the record. It reveals that, the earlier bail application filed by the accused at Exh.02 is already rejected by the Court as on 15.05.2025, after filing the chargesheet. The copy of order in Cri. Appeal No.694/2025 dated 03.09.2025 at serial No.1 with list Exh.18 prima facie shows withdrawal of said appeal by the accused/applicant, with liberty to file a fresh application for bail after 06 months before the Trial Court. The present application appears to be filed as on 27.03.2026. The prosecution has not objected the application on the ground of filing it pre-maturely. On perusal of earlier bail order on Exh.02 dated 15.05.2025, it appears that, the same was rejected on the ground that the accused/applicant is habitual offender having habit of committing such crime specifically related to woman atrocities, not law abiding person and if he is released on bail, he will pressurize and tamper prosecution witnesses and will repeat similar kind of the offences. The accused/applicant has produced on record copies of orders in Cri. bail application No.601/2023 dated 29.05.2023 in CR No.182/2023 punishable under Sections 376, 327, 323, 504 and 506 of Indian Penal Code as well as in Cri. Bail Application No.179/2025 dated 15.03.2025 in CR No.09/2025 punishable under Section 64 (2) (m), 309 (6), 127 (4), 115 (2), 352 and 351 (3) of Bharatiya Nyaya Sanhita, 2023, with list Exh.05. The same prima facie shows involvement of the accused/applicant in similar kind of the offences. While releasing the accused/applicant on bail in said bail applications, my learned predecessors have imposed so many conditions on the accused/applicant

including not indulging in any criminal activities. In present case, there appears prima facie evidence against the accused/applicant. The grounds raised by the accused/applicant i.e. there is delay of 01 month in lodging FIR, there is contradictions in allegations in FIR and history given before her medico-legal examination, initially there were no allegations of rape but only allegations in respect of outraging modesty, on subsequent supplementary statement recorded after 03 days, offence of rape is registered against him, the ingredients of section 65 of Bharatiya Nyaya Sanhita, 2023 cannot be attracted, etc., appears to be considered by my learned predecessor while passing order on the bail application of accused/applicant at Exh.02 dated 15.05.2025. It was for the accused/applicant to show any change in circumstances appeared after passing the said order till filing of present application. The only change appears to be brought on record i.e. copy of order in Cri. Appeal No.694/2025 dated 03.09.2025. The same prima facie shows giving of liberty to the accused/applicant to file bail application before this Court, after 06 months. Minority of his daughter and illness of his father are not the grounds to release the accused/applicant on bail, as is submitted by his advocate by taking support of such documents produced on record along with list Exh.18, particularly when there is no any prima facie evidence to show that the said grounds are genuine, there is no other member in the family and the said grounds are legally giving right to the accused/applicant to claim the bail. The submissions of his advocate therefore cannot be accepted as correct one. The prosecution thus appears to be rightly objected the bail application on the grounds that, earlier bail application filed by the accused/applicant is already rejected by the Court, there are no change in circumstances, similar 02 cases are registered against him, the case is ready for hearing and if the accused/applicant is

released on bail, he will pressurize and tamper prosecution witnesses, repeat similar kind of the offences and will abscond and as such he is not entitled to get relief of bail.

09] Considering facts, circumstances, evidence on record and legal position discussed above, I come to the conclusion that, the accused/applicant prima facie failed to prove that, he is entitled to get relief of bail. Accordingly, point No.1 answered in the “Negative” and I pass the following order.

ORDER

Application is hereby rejected.

Date:-28.04.2026.

(R. G. Malashetti)
Special Judge under (Prevention of
Atrocities)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 (Prevention of
Atrocities) Act, Baramati
Name of Steno. :- S. Y. Shaikh, (Steno -Grade-1)
Date of order. :- 28.04.2026
Order signed by P.O. on :- 28.04.2026
Order uploaded on :- 28.04.2026