

Criminal Bail Application No.124/2026
Yuvraj Mali Vs. State (Alephata P.S.)
CNR No. MHPU330002912026

ORDER BELOW EXH.1

(Passed on this 4th July, 2026)

1] The applicants are seeking bail in Crime no. 142/2026 registered with the Alephata police station for offence under Section 137(2), 64(2)(i), 64(2)(m), 96 of Bharatiya Nyaya Sanhita (in short BNS) and section 4 and 6 of POCSO Act.

2] The case of the prosecution in brief is that on 13/05/2026, the victim went to the wedding of her friend at Ozar and did not return till 10.00 p.m. at home. Informant had made inquiry with her friends, but could not find her. Therefore, informant lodged missing report with the police station. In the course of investigation victim was found with the applicant. The victim's statement revealed that the applicant had sexual intercourse with her. Thereupon, offences under POCSO Act were invoked against the applicant.

3] Heard Ld. Advocate Shri. H. U. Chavan for the applicant, Ld.A.P.P and the victim. Perused the application and reply filed thereon by the I.O. and the victim.

4] Perusal of the record and more particularly the police reply shows that the victim is aged 17 years 10 months i.e. she is on the verge of attaining majority. She voluntarily left her house. The prosecution has not been able to show how the applicant

became aware that the victim was attending wedding at Ozar. It appears that the victim and the accused had jointly decided to elope. The victim has voluntarily travelled with the accused to his house at Kopare Mandve and from there by bus to Titwala, Kalyan. She has stayed with the accused in a rented premises. It is during this stay that the alleged forcible sexual acts have been committed. She did not raise any hue and cry in the bus when they were traveling to Titwala. It appears that the applicant and the victim were in a consensual relationship.

5] The Ld. A.P.P., on instructions, submitted that the investigation is complete and the charge-sheet is pending scrutiny before the office of Dy.S.P. Therefore, it is apparent that the investigation in the present case is also complete. There are no antecedents against the accused and he has fixed place of residence.

6] The Hon'ble Bombay High Court in the case of **Jayesh V. Khandekar Vs. State of Maharashtra 2023 NCBHC – AS 35316**, held that despite the victim being a minor, considering her role, circumstances and conscious decisions in the incident, bail can be granted. In the said case, the girl was aged 16 years 3 months and the Hon'ble Bombay High Court held that the overall circumstances cannot be ignored while deciding bail application. Detaining the accused in further custody is unwarranted. In the present case, as submitted by the Ld. A.P.P., the charge-sheet is likely to be filed soon. Therefore, the application deserves to be

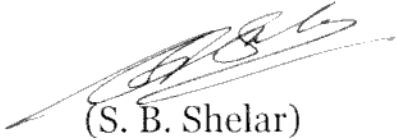
allowed. The observations made hereinabove are limited for the decision of this application only. Hence, the following order-

ORDER

1. Criminal Bail Application no. 124/2026 for bail is allowed.
2. The applicant Yuvraj Luma Mali shall be released on bail in connection with C.R. No. 142/2026 of Alephata police station on executing P.R. and S.B. of Rs.25,000/- on the following conditions :
 - a. The applicant shall attend the concerned police station on first Sunday of every month between 10.00 a.m. to 1.00 p.m. for 3 months after his release.
 - b. The applicant shall not directly or indirectly make any contact, inducement, threat or promise to victim or any person acquainted with the facts of the present case.
 - c. The applicant shall not leave Maharashtra without prior permission of this Court.
3. On contravention of the above said conditions, the bail granted to the applicant deserves to be canceled.
4. Copy of this order be sent to concerned Jail authority through E-mail.
5. Inform concerned police station accordingly.

(Dictated and pronounced in open Court.)

Junnar, Pune
Dt. : 04/07/2026


(S. B. Shelar)
Special Judge(POCSO), Junnar
Tal. Junnar, Dist. Pune.