

Spl. Case (Child Protection) No.95/2025

MHPU330010932025 	Saurabh Bhagwan Walunj and another Vs. State of Maharashtra (Through Junnar Police Station)
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ORDER BELOW EXH.9
(Passed on this 01st October, 2025)

1- Applicants are seeking the relief of regular bail for the offence punishable under Sections 376(D), 504, 506 of Indian Penal Code, Section 4, 6, 8 and 12 of POCSO Act and Section 3(2) (v), 3(2)(va) of Prevention of Atrocities Act.

2- The FIR was lodged by the victim, aged 17 years, on 29/12/2020 alleging that the victim herself and her niece went to a tailor shop in their village. At that time, the applicant along with the co-accused followed them. When the victim and her niece came to Bailgada Ghat at 11.30 a.m., the applicant Saurav grabbed her hand and pulled her into a millet field. Her niece escaped from the spot. Applicant removed her clothes and his own and committed rape on her. Thereafter, co-accused Karan also committed rape on her. He clicked her naked photographs on his mobile. They threatened her not to tell anyone about the incident, otherwise they would make her photographs viral. Thereafter, they escaped from the spot on the motorcycle of their

friend named Aditya. She came home and saw that her clothes were blood-stained. So, on that day, she kept mum. However, on being asked by her mother, she narrated the incident to her mother and cousin brother. After the victim revealed the incident, they went to the police station and reported the matter. The accused were arrested on 29/12/2020 and since then they have been in custody.

3- The learned counsel Shri M. A. Kawchale, appearing for the applicants, submits that the arrest is illegal as the investigating officer did not supply the grounds of arrest in writing, thereby violating Article 22(1) of the Constitution of India and Section 50 CrPC. Reliance is placed on the decision of the Hon'ble Supreme Court in *Pankaj Bansal v. Union of India* [(2023) 6 SCC 1], where it was held that grounds of arrest must be furnished in writing, and non-compliance renders the arrest illegal. He has relied on several authorities on the aspect of illegal arrest by the police. The learned counsel further argued that the applicants have deep roots in the society and they will not misuse the liberty. They are ready to abide by all the terms and conditions that would be imposed on him while granting bail. Hence, they prayed for the applicants' release on bail.

4- On the other hand, the Investigating officer and learned Additional Public Prosecutor Shri. G. K. Khode strongly opposed the bail application by filing their say at Exh.34 and 36,

stating that there is specific role attributed to the applicants. After committing the heinous act, they extended threats to the victim. There is danger to victim's life. The offences alleged are of a grave and heinous nature. There is prima facie material, including witness statements and forensic reports, connecting the applicants to the crime. There are catena of judgments where the Hon'ble Supreme Court emphasized that in serious crimes, considerations of liberty must be balanced against the need for fair investigation. There is possibility that applicants may abscond. There is possibility of repetition of similar kind of offence. The applicants may pressurize the witnesses. There is specific overt act by applicants. Hence it is prayed to reject the application.

5. The informant has filed her say strongly opposing the application on similar grounds.

6- After considering the submissions of all parties and perusing the record, it is true that in catena of Judgments referred by counsel for the applicants, the Hon'ble Supreme Court held that an accused has a constitutional right to be informed of the grounds of arrest. Recently, in *Pankaj Bansal* case, the Hon'ble Court mandated supply of written grounds of arrest. However, the present case stands on a different footing. They were arrested on 29/12/2020. The applicant was produced

before the Magistrate within 24 hours, and remand was granted after the Magistrate was satisfied with the necessity of custody.

7. Thus, even if there is some procedural lapse, the same does not automatically entitle the accused to bail in offences of such gravity. The allegations against the applicants is of rape which is amongst the most heinous offences. The Hon'ble Supreme Court in *State of U.P. v. Amarmani Tripathi* [(2005) 8 SCC 21] and *Prasanta Kumar Sarkar v. Ashis Chatterjee* [(2010) 14 SCC 496] has laid down that in bail matters, gravity of offence, severity of punishment, and likelihood of tampering with evidence are paramount considerations. If there is violation of fundamental rights, applicant has remedy to approach Higher courts. Considering the seriousness of the allegations and the possibility of influencing witnesses if released, I am not inclined to grant bail merely on the ground of alleged non-supply of written grounds of arrest. Further, there is a delay in commencement of the trial, such delay alone cannot be a ground for releasing the accused on bail, especially in light of the substantial evidence collected against them. The defence has filed a subsequent bail application, but has not demonstrated any substantial change in circumstances, except for the delay in trial. Considering the evidence collected by the prosecution, the nature and gravity of the offence, and the prescribed punishment, I am not inclined to grant bail to the applicants.

ORDER

- 1- Application is hereby rejected.
- 2- Inform the concern Police Station accordingly.
(Dictated and pronounced in open Court.)

Junnar, Pune
Dt. : 01/10/2025

(Smt. S.S.Nair)
Additional Sessions Judge, Junnar
Tal. Junnar, Dist. Pune

CERTIFICATE

I affirm that the contents of the PDF file Order are same word for word as per original Judgment.

Name of Steno	Harshal L. Kenge Stenographer Grade I
Name of Court	Smt. S.S. Nair, Addl. Sessions Judge, Pune.
Date of Order	01/10/2025
Order signed by	01/10/2025
PO on	
Order uploaded on	01/10/2025