

(1) **SPECIAL CASE No 220/2026**
(old Spl. Case No. 1298/2024)

MHPU380013922026



(The structured frame work as per directions of Hon'ble Supreme Court in Criminal Appeal No. 825/2026)

A) **CASE DETAILS**

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|-----|-------------------------------------|---|
| (a) | FIR Number and Date | 718/2024
26/08/2024 |
| (b) | Police Station, District and State. | Shirur, Pune and Maharashtra |
| (c) | Sections invoked. | Sec. 75 of BNS and section 8 and 12 of POCSO Act. |
| (d) | Maximum punishment prescribed. | 10 years. |

B) **CUSTODY AND PROCEDURAL COMPLIANCE.**

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|------|------------------------------------|-----------------------------|
| (i) | Date of arrest. | 26/08/2024 |
| (ii) | Total period of custody undergone. | 1 year 11 months
15 days |

C) **STATUS OF TRIAL**

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|----|--|---------------------|
| a) | Stage of proceedings (Investigation/charge-sheet/ cognizance/ framing of charges/ trial. | Charge-sheet filed. |
| b) | Total number of witnesses cited in the charge-sheet. | 07 |
| c) | Number of prosecution witnesses examined. | Nil. |

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D) **CRIMINAL ANTECEDENTS.**

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|---|------|
| 1) FIR no. And Police Station. | Nil. |
| 2) Sections | Nil. |
| 3) Status (pending/acquitted/ convicted). | Nil. |

E) **PREVIOUS BAIL APPLICATIONS.**

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|--------------------------|------|
| A) Court. | Nil. |
| B) Case No. | Nil. |
| C) Outcome of the cases. | Nil. |

F) **COERCIVE PROCESSES.**

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|---|------|
| a) Whether any Non-bailable warrant was issued. | Nil. |
| b) Whether declared a proclaimed offender. | Nil. |

ORDER BELOW EXH.09

1. This is second successive application taken out by the applicant / accused u/s. 483 of the Bharatiya Nagarik Suraksha Sanhita for releasing him on bail in Crime No.718/2024 of Shirur Police Station, for offence punishable under Section 75 of the BNS and under Section 8 and 12 of the Protection of Children from Sexual Offences Act.

2. In short, it is the case of prosecution that victims are minor girls below 12 years. On 25.08.2024 at 6.30 pm while the victim along with her friend i.e. another victim were playing in front of their house the accused who is residing in front of their house pull down his burmuda and started showing his private part

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to the victim girls and started calling them towards himself. Frightened with it, the victim went crying to her mother and told her about the incident. Complaint came to be lodged by the mother of the victim. On its basis, this crime came to be registered against the accused and he came to be arrested and since 27.08.2024, he is behind bar. Thus, he has moved present successive bail application for grant of regular bail.

3. Ld. A.P.P. for the State strongly opposed the application by filing say on it and prayed for its rejection.

4. Mother of the victim strongly opposed the application by filing reply vide Exh. 14 and prayed for rejection of the application.

5. Ld. Advocate LADC Smt. Sarika Barde for the applicant / accused took me through the charge-sheet and submitted that although the previous bail application of the accused came to be rejected but present application is moved on the ground of illegal arrest and delay in trial and as such the same is maintainable. She further took me through the charge-sheet and submitted that the investigation of this crime is already completed and there is nothing to be recovered or discovered from the possession of the accused and so no purpose would be served in keeping him in jail as trial will take its own time. She further submitted that even

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otherwise the accused is in jail since last about two years and the alleged offences are not punishable for more than five years and so the applicant is entitled for bail under section 479 of the BNS also. She further took me through the record and submitted that the applicant was not informed about grounds of arrest nor there is any reasons mentioned in the notice of arrest and so there is breach of statutory duty casted on the investigating agency and violation of fundamental right of the accused. She further submitted that as there is breach of mandatory provision relating to arrest, the arrest of applicant is illegal and so, she prayed for releasing the applicant on bail.

6. On the other hand, Ld. A.P.P. Smt. V. R. Raut for the State submitted that the alleged offence is serious in nature and there is prima facie case against the applicant. She further submitted that the applicant is neighbour of the victim girls and he has sexually molested the minor children by showing his private part. She further submitted that there is strong evidence against the applicant. She further submitted that the previous bail application of the applicant came to be rejected by this Court on merits and there is no change in the circumstances & thus, present application is not maintainable. She further submitted that there is due compliance of mandatory provision relating to arrest and there is no breach of any mandatory compliance. She further submitted that

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though charge-sheet is filed but alleged offence is serious in nature and looking to the aforesaid factual situation, if he is released on bail, then there is also possibility of repeat of more serious offence, pressurizing and threatening of victim girls and their family members, tampering of prosecution witnesses and absconding of applicant and as such prayed for rejection of the application.

7. Perused the application. Heard ld. Advocate for both sides. Perused the charge-sheet and the record. It is pertinent to note that after filing of charge sheet, the accused had moved bail application vide Exh. 3 which came to be rejected by my Ld. Predecessor on merits. Thereafter, the accused has moved the present successive bail application on the ground of delay in trial and that his arrest is illegal for non compliance of mandatory provision. Charge-sheet discloses that victims are minor girl. It appears from the statement of victims and their mother that while they were playing outside their, the accused seeing them pull down his burmuda and started showing his private part by his hand to the victim girls and calling them towards him. Over all, the charge-sheet discloses prima facie case against the applicant for alleged offences. Looking to the nature of allegation and the fact that the applicant is neighbour of the victim girls, the possibility of repeat of more serious offences, pressurizing, tampering and

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threatening of the victim girls and their family members as well as absconding of applicant cannot be ruled out completely. All this will hamper the trial.

8. Now, the accused is claiming bail solely on the ground of illegal arrest due to non compliance of mandatory notice as required u/s. 47 & 48 of B.N.S.S. I have gone through record. Arrest form shows that the intimation of arrest was given to the wife of the accused. It also shows that necessary grounds of arrest were informed to the accused. So, prima facie there appears compliance of mandatory provisions of arrest.

9. Record shows that the charge has been framed against the accused and trial will conclude soon. Certainly, the accused is in jail since 27.08.2024. So far, delay in trial is concerned, I have perused the record. Initially this charge-sheet was filed in District Court, Pune. Thereafter, this Court is newly created on 27/01/2026 and as this case was arising out of the jurisdiction of this Court, this file came to be transferred to this Court and some time was spent in it. So apparently there appears no delay in the trial. So also Ld. APP for the State has submitted at bar that she is going to expedite the matter. No doubt the accused in jail since 27.08.2024 but there is no deliberate delay on the part of the prosecution. Therefore, neither there is any case of delay nor any right of the accused to speedy trial is defeated.

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10. So far the benefit of section 479 of the BNSS is concerned, the applicant has yet not undergone half of the sentence provided for the alleged offences and therefore, he is not entitled for the benefit of said provision also.

11. For aforesaid reason, the accused has failed to make out a case for releasing him on bail. Therefore, this application deserves to be rejected. Hence, the following order.

ORDER

Application (Exh. 09) is rejected.

(Dictated and pronounced in open Court.)

Date : 10.08.2026

(N. S. Momin)
Special Judge (POCSO) Act
and Additional Sessions Judge,
Ghodnadi-Shirur, Pune.