

MHPU380032572026



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

A) CASE DETAILS

- | | |
|---|--|
| (a) FIR Number and Date | 575/2026
19/06/2026 |
| (b) Police Station, District and State. | Shirur, Pune
Maharashtra |
| (c) Sections invoked. | Section 74, 78, 79,
126(2) of BNS and
Sec. 8 & 12 of POCSO
Act. |
| (d) Maximum punishment prescribed. | Upto 5 Years |

B) CUSTODY AND PROCEDURAL COMPLIANCE.

- | | |
|---|------------|
| (i) Date of arrest. | 20.06.2026 |
| (ii) Total period of custody undergone. | One month. |

C) STATUS OF TRIAL

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

D) CRIMINAL ANTECEDENTS.

- | | |
|--------------------------------|------|
| 1) FIR no. And Police Station. | Nil. |
| 2) Sections | Nil. |

3) Status (pending/acquitted/ convicted). Nil.

E) PREVIOUS BAIL APPLICATIONS.

A) Court. Nil.

B) Case No. Nil.

C) Outcome of the cases.

F) COERCIVE PROCESSES.

a) Whether any Non-bailable warrant was
issued. Nil.

b) Whether declared a proclaimed offender. Nil.

ORDER BELOW EXH. 1

1. This is an application taken out by **applicant/ accused Viki Ramdas Pawar** u/s. 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing him on regular bail in crime No. 575/2026 of Shirur Police Station, Dist- Pune for offence punishable under Sections 74, 78, 79, 126(2) of the Bharatiya Nyaya Sanhita, 2023 and Sec. 8 and 12 of POCSO Act.

2. In short, it is the case of prosecution that victim is aged 16 years. She used to travel from her village to Shirur and go back to her house for her education. Her father is a social worker taking action against corruption and antisocial elements. It is alleged that on 16.06.2020 at about 2.30 pm while the victim was crossing road going towards Annapur road, one white colour Toyota Tizer like vehicle obstructed her. One person aged 25 to 30 years got down from said vehicle and he told her “ये तु कुठली ग, तुला माझ्या गाडीत नेतो बस माझ्या गाडीत” and thereby outraged her modesty. She informed about the incident to her father. Complaint came to be lodged by

her father. On its basis, this crime came to be registered against unknown person for aforesaid offences. During investigation, it was found that the accused has committed this crime. Accordingly, the applicant/accused came to be arrested and he is in jail since 20.06.2026. Thus, the applicant/accused has moved present application for grant of regular bail.

3. Investigation Officer resisted the application by filing say dated 10.07.2026 and prayed for rejection of the application.

4. Informant/ father of victim appeared through Ld. Advocate Shri. R. V. Wakchoure and strongly opposed the application by filing written say dated 15.07.2026 and prayed for rejection of the application.

5. Ld. Advocate Shri. A. K. Girhe for the applicant/accused took me through the case papers and submitted that there is inordinate delay in lodging the complaint which is not explained. He further submitted that if the allegation in the complaint is seen then there is no physical touch by the applicant to the victim and so there is no prima facie case against the applicant for offence punishable under section 8 of the POCSO Act. Placing reliance on the case of **Bandu Vithalrao Borwar V/s. State of Maharashtra (2016 SCC Online Bom. 16128)**, wherein the Hon'ble Bombay High Court has held that in order that section 354(D) is attracted, there must be following of a woman repeatedly, he submitted that only single incident is mentioned in the complaint which is not sufficient to attract the offence of stalking. He further submitted that the

applicant has never sexually harassed the victim. He further submitted that there is absolutely no prima facie case against the applicant. He further submitted that the applicant is behind bar since 20.06.2026 and since then most of the investigation has already completed and nothing is remaining to be seized from the possession of the applicant and therefore, no purpose would be served in keeping him in jail for long. He further submitted that the applicant is sole earning member of his family. He has no criminal antecedents. He is permanent resident of given address and thus, there is no question of his absconding. He is also ready to abide by any condition which may be imposed by this Court and as such prayed for releasing him on bail.

6. On the other hand, Ld. A.P.P. Smt. V. R. Raut for the State took me through the case papers and submitted that the alleged offence is serious in nature and antisocial in nature and there is prima facie case against the applicant. She further submitted that the investigation is in progress and yet charge-sheet is to be filed and the accused and victim are of residence of nearby village and if the applicant is granted bail, then there is possibility of repeat of offence, pressurizing and tampering of prosecution witnesses and absconding of accused and as such, prayed for rejection of the application.

7. Supporting the submissions of Ld. APP for the state, Ld. Advocate R. B. Wakchoure for the informant submitted that the victim is minor and there is prima facie case and as such he also prayed for rejection of the application.

8. Perused the application & say filed by the investigating officer and written say filed by the informant. Heard Ld. Advocate for both sides. Perused the case papers and the documents placed on record. Perused the authority relied upon by Ld. Advocate for the applicant. On perusal of the complaint it shows that the same is lodged against unknown person. There is also delay of three days in lodging the complaint which is not explained. Although the alleged offence is serious in nature but the same is not punishable with death or imprisonment for life. Accused is in jail since 20.06.2026. Till date, most of the investigation is already completed. There is nothing to be recovered from the possession of the applicant. No purpose would be served in keeping the applicant in jail. Applicant is sole earning member of his family. He is permanent resident of given address and so there is no question of absconding. He has no criminal antecedents. So far all the apprehension of the prosecution is concerned, the same can be taken care of by imposing stringent conditions while releasing the applicant on bail.

9. For aforesaid reason, in my opinion, the applicant has made out a case for grant of bail. Therefore, this application deserves to be allowed. Resultantly, the following order :-

ORDER

- 1] Application (Exh. 1) is allowed.

- 2] **Applicant/ accused Viki Ramdas Pawar** be released on bail on executing PR Bond of Rs. 50,000/- with solvent surety in the like amount, in respect of Crime No. 575 of 2026

registered with Shirur Police Station for the offences punishable U/Sec. 74, 78, 79, 126(2) of the Bharatiya Nyaya Sanhita, 2023 and Sec. 8 and 12 of POCSO Act, on following conditions :-

- a] He shall cooperate with investigating agency as and when called upon.
 - b) He shall attend concerned police station on every Wednesday between 10.00 am to 2.00 pm and also as & when called by the investigation officer till filing of charge-sheet and to cooperate in investigation.
 - c] He shall not tamper or pressurize the prosecution witnesses and evidence in any manner.
 - d] He shall not enter the locality where the victim and her family resides, so also shall not contact the victim through any media (mobile, Facebook, Instagram, email or any other social media) until further order. Further accused shall not enter the locality where the victim goes for education.
 - e] He shall produce documents showing his photo identity, permanent address and contact number before the Investigating officer.
- 3] Inform the concerned accordingly.

(Dictated and pronounced in open Court.)

Ghodnadi-Shirur.
Date:20/07/2026

(N. S. Momin)
Additional Sessions Judge,
Ghodnadi-Shirur, Dist. Pune.