

MHRG010012802025



Special Case No.87 of 2025
State Vs. Mahendra Dattatrey Late

ORDER BELOW EXH.5

This is the second bail application filed by the accused under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS') in connection with the offence registered against him at Alibag Police Station vide C.R. No.194/2025 under Section 75, 76, 78 and 79 of the Bharatiya Nyaya Sanhita, 2023 (in short 'the BNS') and Section 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012 (in short 'the POCSO Act').

2. The brief facts of the case are as under :-

In May 2024, the accused who was residing in the neighbourhood of the victim girl aged 16 years, threatened her that he had her photographs along with her friend and he will show the same to her parents. The victim got frightened. 2-3 days later the victim received a message on her Whats App from the accused stating that if she did not meet and have sex with him, he will show her photographs to her parents. He told her to come to his house and further threatened her that if she did not do so, he will show her photographs to her family members and also viral the same on social media and defame her. The victim did not disclose about the incident to anyone as she was very scared. When he called her, she went to his house. He bolted the door and pushed her on the bed and started touching her all over her body. The victim got scared and fled back to her house.

3. After few days he again sent a message to her saying that he was alone in his house and she should come to his house, but she did not go there. So, he started sending her indecent messages. Even then she did not go, so, as he was residing in the neighbourhood, he himself came to her house. Being frightened, she went to his house. At that time, he touched her private parts and her entire body. She opposed him, then he threatened to kill her family members and defame her by posting her morphed photograph on social media. He started blackmailing her. The victim got scared but she did not tell about all this to anyone. But, on 02.09.2025, he repeatedly kept on calling her and told her to go along with him to village Zirad. Then she finally told her mother that Mahendra Kaka (as she used to address him) was repeatedly forcing her to come to Zirad with him. At that time, her mother showed her annoyance to him.

4. On 17.10.2025, the accused once again sent her Whats App message stating that he was alone at home, she should come to his house and let him do sex with her. At that time, she blocked his number. But on that day as she was alone in her house, he came to her house, forcibly took her mobile, unblocked his number, threatened her and left the house. On 19.10.2025, he again started sending her messages to call her to his house. But she did not go to his house. Finally, on 20.10.2025, she narrated the entire incident to her mother and then the FIR under Section 75, 76, 78 and 79 of the BNS and Section 8, 12 and 17 of the POCSO Act was lodged against the accused on 26.10.2025. The accused was arrested and after completion of investigation, charge-sheet has been filed against the accused.

5. Learned Advocate Smt. Mansi Mhatre for the accused submitted that most of the investigation was complete and charge-sheet has been filed. No prima facie evidence was found against the accused, so it implied that there were bare allegations made against the accused and he was innocent. She further submitted that the affidavit of the mother of the victim was also filed on record and she had not objected to the bail of the accused. The accused had a permanent place of residence and there were no chances of his absconding, if released on bail. His further custody was not required. He was ready to abide with the terms and conditions imposed by the Court. Hence, prayed that he be released on bail.

6. Learned APP Smt. Dhumal vehemently opposed the application. She submitted that the accused who was known to the victim had not only sexually harassed her but also blackmailed her to the extent that she had not disclosed about the incident to anyone. She drew my attention to the Whats App messages between the accused and the victim to demonstrate how the accused had sent the sexually explicit messages to the victim. She also relied upon the statements of the victim and her mother recorded under Section 183 of BNSS and submitted that both the victim and her mother had stated the same incident as revealed in the FIR. She submitted that the report of Forensic Science Laboratory regarding the call records and the messages was awaited which would aid the investigation further. She thus submitted that considering the seriousness of the offence application be rejected.

7. Heard both sides. Perused the charge-sheet.
8. The victim is also present before me. She has once again stated how the accused, who was her uncle had been continuously blackmailing, threatening her, asking her for sexual favours and also had inappropriately touched her, because of which she was traumatised.
9. Perusal of the charge-sheet shows that prima facie very serious allegations are made against the accused. The accused was known to the victim. He being a 32 years old man, blackmailed and allegedly outraged the modesty of a young girl of 16 years for more than a year. Perusal of the statement of the victim under Section 183 of the BNSS shows that he had also removed her under garments and touched her private parts. These 'acts' were repeated again by him. He was continuously sending her messages and pressurizing her to come to his house. It is also seen that even after she had blocked his number he had gone to her house to unblock his number and again forced himself on her. In spite of he being reprimanded by her family members and his family members, he did not correct his behaviour.
10. The mother of the victim has today filed an affidavit in the Court stating that she has no objection to the bail being granted to the accused. This shows that the accused is trying to influence the witnesses even while in Jail. The Ld. APP has submitted that the victim is studying in class 12th and releasing the accused on bail will have an adverse impact on her studies and on her psychology. Considering the entire circumstances which are before me, the seriousness of the allegations made against the accused, the fact

that Forensic Science Laboratory report regarding the mobile messages and calls is yet to be received, which is a crucial piece of evidence, the possibility of the accused influencing the witnesses and tampering with the evidence as he is residing in close proximity to the victim, following order is passed -

ORDER

1. Application (Exh.5) is rejected.
2. Inform the concerned Police Station.

Sd/--

Alibag.
Date :-26.11.2025

Dr.(Smt.)Srishty Neelkanth
Special Judge, Raigad-Alibag.