



Spl. (POCSO) Case No.08/2026
State of Maharashtra Vs.
Shamuvel Madhukar Kothambire
CNR No.MHRG150000712026

ORDER PASSED BELOW EXH.14

- 1) The present application has been filed by the **accused No.01 Shamuvel Madhukar Kothambire**, u/s.483 of BNSS, 2023 for regular bail in the present case for offences punishable u/s. 64, 65(1), 61(2) & 3(5) of BNS, 2023 and u/s.4(2), 8, 12, 17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
- 2) Prosecution alleges that, accused No.01 Shamuvel on 22.11.2025 took victim and her mother accused No.2 to Shriwardhan with view to remove ghost in her body. Where accused No.1 told accused No.2 mother of victim to sit on beach and took victim into the hotel room and committed penetrative sexual assault on her without her consent.
- 3) Ld. Advocate Shri. N. J. Sambodhi for accused submitted that accused is innocent and has been falsely implicated by victim, her mother and accused No.3 Adv. Ajay Kamble with a view to extract money from him. The said fact has been stated by victim in her supplementary statement dt.05.12.2025. Investigation was completed and charge-sheet has been filed. Further, incarceration of the accused is not required. Accused is aged having 65 years age and a pensioner, his wife depending on accused for her livelihood. The witnesses in the case are

interested witnesses and there is no possibility of tampering their evidence. Accused is willing and ready to abide conditions imposed by this Court while releasing on bail. Hence, prayed for grant of bail.

4) The Investigation Officer and Ld. A.P.P. Shri. Tendulkar filed say and strongly opposed bail application. It is submitted that, accused has taken advantage of loneliness of victim and committed gruesome act. Accused having knowledge that victim is minor, even though kept forceful relationship with the victim. The offence is serious in nature punishable with severe punishment. Prima facie role of the accused is revealed in the charge-sheet and there is material against the accused in the charge-sheet. Further, medical evidence supported case of prosecution. Potency test of accused is positive. Social and economic condition of victim and her mother are such that tampering of prosecution evidence and witnesses can not be ruled out. Hence, prayed rejection of bail.

5) Heard both the sides, perused application, say filed prosecution and also the charge-sheet.

6) It is duty of Court to scrutinize the material in the charge-sheet while considering bail application filed after filing of charge-sheet. The allegations as regards accused No.1 has committed penetrative sexual assault on her is to be proved at the trial. Thus, further incarceration of the accused is not require till conclusion of trial. Charge-sheet has been filed. Accused is in jail

from 29.11.2025. His age is above 65 years. He has responsibility of his aged wife. It is held in number of judgments by the Hon'ble High Court and the Hon'ble Supreme Court that pre-trial incarceration should not be in the form of punishment. Prosecution has not brought on record any fact that accused person might repeat the offence and is dangerous to the society if released on bail. Further, prosecution has not brought anything to substantiate their submission as regards accused will tamper with prosecution witnesses and evidence. The grievance of prosecution can be addressed by imposing stringent conditions. At this stage it would not be proper to express any opinion on merits. Considering facts and circumstances, this Court is of view that accused have made out case for grant of bail and accused deserves to be enlarged on bail on suitable conditions. Hence, I proceed to pass following order.

:: ORDER ::

- 1) The application(Exh.14) is allowed.
- 2) Accused **No.01 Shamuvel Madhukar Kothambire** be released on bail in the present case on execution of personal bond of Rs.25,000/-(Rupees Twenty Five Thousand Only) with one surety of like amount.
- 3) The accused shall regularly attend the Court on all the dates unless exempted and shall co-operate in conclusion of the trial.

- 4) The accused shall not tamper with prosecution evidence and witnesses.
- 5) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade said person from disclosing facts to the Court or any police officer.
- 6) The accused shall furnish his contact number, residential address to the Court and shall keep updated in case there is any change.
- 7) The accused shall not leave Country without prior permission of this Court.
- 8) Breach of any condition entail cancellation of bail.
- 9) Send soft copy of the bail order by e-mail to the prisoner/accused through the Jail Superintendent on the same day or next working day.
- 10) The Jail Superintendent directed to enter the date of grant of bail in the e-prison software immediately upon receipt.

Sd/-

Mangaon.

(M. K. Patil)

Date: 16.03.2026.

Addl. Session Judge, Mangaon.