



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

:: ORDER PASSED BELOW EXH.37 ::

1) The present application has been filed by the **accused No.03 Vinod Sanjay Athavale @ Ajay Kamble**, 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, this accused conspired with mother of victim accused No.02 and victim to implicate accused No.01 in the present offence to extract money from accused No.01 and also for getting compensation to the victim from the State. Thereby, abated commission of offence.

3) Ld. Advocate Shri. Bagave for accused submitted that, accused is in custody since last fifty days. The prosecution has sought police custody of this accused only in the first remand report dated 14.02.2026. Thereafter, in second remand report dated 19.02.2026 investigation officer has sought judicial custody. It means, accused was not required for custodial interrogation. Further submitted that in the F.I.R. lodged by victim at Maval Police Station in the year 2021, victim has given her as 16 years. Therefore, as per said age given in said FIR, victim is not minor at the time of alleged commission of present

offence. Hence, offences under POCSO Act are not applicable. Considering offences under BNS, 2023 as victim is major, she can very well give consent for any act. Thus, offences under BNS, 2023 is also not attracted. Further submitted that, accused is handicapped and practicing advocate at Chhatrapati Sambhaji Nagar. Hence, there is no chance of fleeing away from justice. Accused is ready to abide by conditions imposed by this Court if released on bail. Hence, further incarceration of accused is not required till filing of charge-sheet. Accused was implicated in the present offence only on the basis of supplementary statement of victim, hence it should not be sole ground for refusing bail to the accused. Thus, prayed grant of bail.

4) The Investigation Officer filed say through Ld. A.P.P. Shri. Tendulkar and strongly opposed bail application. It is submitted that, in supplementary statement victim specifically stated name of this accused and details about how he has prepared plan alongwith victim and his mother to implicate accused No.01 in the present offence. Thereafter, executed said plan. There are three non-bailable cases of cheating and forgery pending against the accused. During investigation of present offence a car was seized from the accused having fake number plate. Further, in the said car two different number plates, two laminated aadhar card of informant, another aadhar card of sister of informant, laminated caste certificate of informant etc. were found. Further, in CDR of accused there is sufficient evidence regarding his movement was found. In addition, Ld. A.P.P. submitted that,

investigation is going on and charge-sheet is yet to be filed. In the investigation prima facie role of the accused is revealed. Over all accused is a master mind behind the offence and he took disadvantage of minority of victim to implicate accused No.01 in the present offence. Further, the offence is serious in nature punishable with life imprisonment. Hence, tampering with prosecution evidence can not be ruled out. Further submitted that, victim can not be treated as major at this stage when documents showing her minority is available. Hence, prayed for rejection of bail.

5) Victim has filed say and strongly opposed application, wherein it is contended that, accused if released on bail would pressurize her and her family members.

6) Heard both the sides, perused application, say filed prosecution and victim.

7) It is seen that, victim in her supplementary statement narrated how this accused has prepared plan and executed it in order to implicate accused No.01 in the case. It appears that, this accused has taken disadvantage of alleged minority, social and economic conditions of victim. It appears that, this accused abated commission of serious offence punishable with imprisonment for life. Investigation is in progress, wherein prima facie involvement of accused is revealed. Victim has taken strong objection for grant of bail to the accused on the ground that, accused will threatened and pressurize her and her family

members. Victim at the time of lodging report stated, she is minor and has submitted documents in support of it. Hence, the documents about age of victim produced by accused can not be considered at this stage in absence of due verification. Considering nature of offence, serious allegations of abatement levelled against accused, stage of investigation, progress of investigation, recovery and seizure of alleged articles found in the car and in conscious custody of accused, pendency of non-bailable offences of cheating and forgery against the accused and apprehension of victim about threatening and pressurization, this Court is of view that this is not proper stage to release accused on bail. Hence, I proceed to pass following order.

:: ORDER ::

The application(Exh.37) is rejected.

Sd/-

Mangaon.

(M. K. Patil)

Date: 01.04.2026.

Addl. Session Judge, Mangaon.