



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

:: ORDER PASSED BELOW EXH.29 ::

1) The present application has been filed by the **accused No.02 Mangala Lavesh Udmale @ Mangala w/o Dhansing Dongare**, 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.

Prosecution case in brief is as under :

2) Initially, a crime came to be registered against accused no.1 under the POCSO Act at the instance of the victim, who was shown as a minor. During investigation, victim in her supplementary statement disclosed that, her mother the present applicant accused no.2 in connivance with accused no.3 who is an advocate, had conspired to falsely implicate accused no.1 in a fabricated POCSO case, with an intention to extort money and to obtain compensation from the State. On the basis of such disclosure, the present applicant was arraigned as accused for conspiracy and abetment.

3) Ld. Advocate Shri. S. R. Burje for accused filed bail application on 13.03.2026 and thereafter did turn up for further proceeding of bail application. Investigation Officer has filed say on 31.03.2026 and victim has filed say on 30.03.2026. However, Ld. Advocate Shri. S. R. Burje did not come for argument on bail application inspite of several opportunities were given to him. Hence, contention of accused in the bail application is considered as submission on her behalf. It is

contended that, this accused is innocent, illiterate and doing labor work. She has been falsely implicated. It is further contended that, there is no allegation against this accused in the FIR and delayed false allegations made in the supplementary statement is to be tested on the touch stone evidence. Hence, physical custody of the accused is not required. This accused is ready to abide all conditions of bail and ready to furnish regular surety. Further contended that she will not tamper with prosecution evidence and witnesses. Hence, prayed for 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, this accused being aware that victim is minor, forced and instigated victim to keep physical relationship with accused No.01. This accused is mother of victim and if she release on bail she will threaten, pressurize victim and thereby tamper with prosecution evidence and witnesses. Investigation is in progress and there is sufficient material revealed against accused. Hence, prayed for rejection of bail.

5) Victim has filed say(Exh.38), wherein it is contended that, accused though mother of victim and being aware about her age committed the alleged offence. Further contended that though the offence is serious in nature bail may be granted.

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

7) It appears that, victim in her supplementary statement stated that accused No.03 hatched a conspiracy and narrated it to her mother. Thereafter, victim's mother shows her willingness to act as per plan of accused No.03 to implicate accused No.01 in the case and

accordingly executed said plan. It appears that, this accused has taken disadvantage of victim being her mother and minor age of victim. There is no reason for victim to falsely implicate this accused in the offence. Though, there is delay in giving supplementary statement, the allegations made therein can not be ignored. It appears that, this accused abated commission of serious offence punishable with imprisonment for life. Charge-sheet has been filed wherein prima facie involvement of this accused is appearing from the material. Though, victim has given consent in her say(Exh.38) for grant of bail to this accused, at the same time victim has stated that her mother has committed alleged offence. Thus, mere consent of victim who is minor for grant of bail can not be considered ignoring material allegations. This accused is mother of victim and if she release on bail, chances of pressurizing victim is very high. Hence, this Court is not inclined to exercise discretion in favour of the accused. Hence, I proceed to pass following order.

:: ORDER ::

The application(Exh.29) is rejected.

Sd/-

Mangaon.

(M. K. Patil)

Date: 29.04.2026.

Addl. Session Judge, Mangaon.