



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

:: ORDER PASSED BELOW EXH.51 ::

1) This is second bail application filed after chargesheet by applicant/**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.

Prosecution case in brief is as under :

2) Initially, a crime came to be registered against accused no.1 under section 64, 65(1), 61(2) & 3(5) of BNS, 2023 and u/s.4(2), 8, 12, 17 of the POCSO Act at the instance of the victim, who was shown as a minor (birth date 28.12.2009). During investigation, victim in her supplementary statement, disclosed that the present applicant is an advocate, in connivance with victim's mother accused no.2, 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 u/s.61(2) of BNS and abetment, u/s.17 of POCSO Act.

3) Ld. Advocate Shri. A. B. Jadhav for the applicant submitted that, the applicant is falsely implicated. The case rests on an unreliable supplementary statement. Victim & first informant are not same person. The victim is not a minor and reliance is placed on a school leaving certificate. There are inconsistencies in documents regarding age. Accused is advocate. He is suffering from Asthma and was discharged

from Hospital, two days before. Accused wife depend on him for her livelihood. Investigation is complete and therefore further detention is not necessary.

4) Ld. A.P.P. Shri Tendulkar opposed the application contending that, prima facie material shows active role of the applicant in the conspiracy. The victim has expressed apprehension of threat and influence. One of the documents supports that the victim is a minor. That applicant acted as Advocate for the victim in another POCSO case, allegedly misrepresented to the victim that compensation amount deposited in her account was required to be returned to the Government, and on such pretext withdrew and misappropriated the said amount. Further, during investigation, two fake number plates were found in the car of applicant and an Aadhar card of the victim, bearing the name as mentioned in the FIR and reflecting her age as minor, was found in possession of the applicant. Besides, a caste certificate of the victim was also recovered from applicant.

5) Victim filed say(Exh.59) and strongly oppose application contending that, applicant if released on bail, will pressurize her and there is life threat to victim at the hands of accused.

6) Heard both the sides, perused application, say of investigation officer and victim and also perused charge-sheet.

7) The allegations against the applicant are grave in nature and pertain to a conspiracy to misuse the provisions of a special statute meant for protection of children from sexual offences. The supplementary statement of the victim, at this stage, prima facie discloses the involvement of the applicant in hatching and executing a plan to falsely implicate accused in a serious offence. The role attributed

to applicant, being an advocate, assumes greater seriousness. The material collected during investigation suggests not only participation but a calculated misuse of legal knowledge and position.

8) The additional circumstances brought on record in statement of victim's father that, applicant misappropriated compensation amount of the victim received in another proceeding, under the guise of returning it to the Government, prima facie reflects dishonest conduct and abuse of professional position. Further, applicant himself given name as Madhuri Lavesh Udmale to victim. Besides, aadhar card bearing name Madhuri Lavesh Udmale and date of birth 28.12.2009 was seized from custody of accused.

9) Investigation officer brought on record fact that, two fake number plates recovered from the vehicle of applicant indicates involvement in suspicious activities, which cannot be lightly ignored at this stage. Further, recovery of Aadhar card of the victim with name Madhuri Lavesh Udmale reflecting her age as minor, along with caste certificate, from the possession of the applicant, prima facie supports the prosecution case regarding access to and use of personal documents of the victim in furtherance of the alleged conspiracy.

10) The contention of the applicant regarding the age of the victim involves disputed questions of fact. The existence of contradictory school leaving certificates and other documents creates a triable issue, which cannot be conclusively determined at the stage of bail. The apprehension expressed by the victim regarding threat and influence appears to be well-founded, particularly in view of the conduct attributed to the applicant and his alleged capacity to manipulate evidence. The health issue can be considered by issuing directing to the Jail Authority.

11) Considering the nature, gravity and manner of commission of the alleged offence, coupled with the material indicating active involvement of the applicant, this Court finds that there is a strong possibility of tampering with evidence and influencing witnesses if the applicant is released on bail. Though the investigation is complete, the seriousness of the allegations and the prima facie material outweigh the said consideration.

12) It is also relevant that charge has been framed and the trial is likely to conclude in the near future. Hence, the ground of prolonged detention is not made out. In view of the totality of circumstances, this Court is not inclined to exercise discretion in favour of the applicants. Hence, proceed to pass following order.

ORDER

The application(Exh.51) is rejected.

Sd/-

Mangaon.

(M. K. Patil)

Date: 29.04.2026.

Addl. Session Judge, Mangaon.