

**: ORDER BELOW EXH.1 IN CRI. MISC. APPLICATION NO.
32/2026 :
(CNR No. MHRG15-000143-2026)
(Passed on 18.03.2026)**

1) This is an application seeking a regular bail, made by accused **Prasad Jibhau Nadekar**, concerning the offence punishable under sections 64(1), 64(2)(h), 64(2)(m), 69 of the Bharatiya Nyaya Sanhita, 2023 (in short, "B.N.S."), in Crime No.6/2026 registered with Poladpur Police Station.

2) It is contended that the accused did not commit any offence and he is innocent. There is delay of 1½ years in lodging of the report. There is no explanation for the delay. The conduct of the informant shows that she was absolutely a willing and consenting to the relationship. The sections 64 and 69 of B.N.S. cannot go hand in hand, and have wrongly been invoked by the police. The allegations taken at their face value, still none of the offences is made out. The accused is of 23 years. There are no criminal antecedents against him. He is ready to abide by all the conditions. It is submitted to allow the application.

3) The Investigating Officer and the Ld. A.P.P. for the State, opposed the application by filing say (Exh.4). It is contended that the accused allured the survivor - 19 years - of getting married, against her wish established physical relations with her at different places at Lodge and Hotel, thereby impregnating her. Even thereafter, he committed forcible physical

relations with her.

4) The application is opposed on the grounds that the investigation is incomplete. On grant of the application in short time, there would be no gravity of the crime. He could pressurize the witnesses. D.N.A. samples have been sent to the Forensic Science Laboratory and the reports are awaited. The survivor stated in her statement under section 183 that while she was minor, the accused had established physical relations with her. Therefore, after the investigation the section would be added to the crime. It is submitted to reject the application.

5) The survivor opposed the application by filing say (Exh.6). It is contended that on being released on bail, the accused could endanger life of her family members and hers. She submitted to reject the application.

6) Heard both sides and perused the case papers. Ld. Advocate Mr. S. S. Morey for accused, and the Ld. A.P.P. Mr. J. D. Mhatre for the State, iterated the contentions made in the application and say, respectively.

7) Ld. Advocate for accused would submit that neither the section 64 nor section 69 are applicable in the present matter. It is submitted that as per the report itself in the year of 2023 the survivor and the accused got acquainted with each other. At that time itself the survivor was major and it was not possible that the relations could have been established before that period. The

accused is ready to abide by all the conditions.

8) The Ld. A.P.P. would fairly submit that the survivor was major and sections of the the Protection of Children From Sexual Offences Act, 2012 are not applied. However, he would submit that the accused committed sexual assault on survivor repeatedly and against her wish.

9) The Ld. A.P.P. submitted even after the survivor got pregnant, the accused forced himself upon her. Hence, the accused is not entitled to be released on bail.

10) It is seen that the report mentions that after getting acquainted, the accused had taken the survivor to a Lodge and forced himself upon her. No report was lodged immediately. Thereafter, they continued to meet and accused allegedly forced himself upon the survivor on many occasions. As per the report itself, after her pregnancy, the accused on 09.02.2026 established physical relationship with her. However, it has not been mentioned that those relations were forcible.

11) No doubt, the allegations are serious. However, without going into further details it can be said that the survivor was major from the first incident. The possibility of the relations having been consensual is there.

12) No criminal antecedents have been pointed out against the accused. Without discussing more in this respect, it

can safely be said that the accused can be released on bail, who has been in the custody from 26.02.2026. Necessary conditions can be imposed against the accused. Hence, the following order:-

: O R D E R :

- 1) The application is allowed.

- 2) Applicant - accused **Prasad Jibhau Nadekar**, concerning the offence punishable under sections 64(1), 64(2)(h), 64(2)(m), 69 of the B.N.S., in Crime No.6/2026 registered with Poladpur Police Station, be released on Personal Bond of Rs.50,000/- (Rs. Fifty thousand only), with surety in the like amount, on the following conditions:-
 - (a) He shall not directly or indirectly make any inducement, threat or promise to any of the witnesses and shall not tamper the prosecution evidence.

 - (b) He shall not enter the place where the survivor has been residing and keep himself away at least 50 k.m. from the radius of said place, till decision of this case or passing of further order, whichever is earlier.

 - (c) If for reaching to the Court, Police Station and going away, the entry into 50 k.m. from the place where the survivor has been residing, is required, then only he is allowed to travel within radius of 50 k.m. After

marking his presence at police station and the Court, as required, the accused shall immediately go away and strictly comply with the conditions, as mentioned above.

- (d) He shall attend Poladpur police station 20.03.2026, 27.03.2026, 04.04.2026, and 18.04.2026 from 11.00 a.m. to 3.00 p.m. and as and when ordered by the Investigating Officer, according to law.
- (e) He shall furnish his detail address, contact number, names and addresses of two relatives with their phone numbers.
- (f) He shall not commit any offence.
- (g) He shall not leave India without permission of this Court.

Mangaon.
Date: 18.03.2026.

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist. Raigad.