

**: ORDER BELOW EXH.5 IN SPECIAL CASE NO.13/2025 :**  
**(CNR No. MHRG15-000227-2025)**  
(Passed on 25.04.2025)

1) The present application is filed by applicants/accused under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail, in respect of Crime No.2/2025, registered with Roha police station for the offence punishable under section 64(1), 65(2), 74, 75(1), 115(1), 117(1), 352, 351(2), 126(2), 127(2) r/w. section 3(5) of Bharatiya Nyaya Sanhita, 2023 and section 4, 6, 8 & 12 of the Protection of Children From Sexual Offences Act, 2012.

2) The applicants/accused contended that they are permanent residents of village Varse, Tal. Roha, Dist. Raigad. They have not committed any offence. False report is lodged against them.

3) They further contended that on 07.01.2025, the informant had lodged report, alleging therein that on 06.01.2025 in the night at about 8.30 a.m. the victim told her aunt that day prior to 31<sup>st</sup> December, she was plying cycle on the road. At that time accused Tejas called her in his house. Thereafter, he closed the door. At that time, no one was there in the house. Thereafter, he took her in the bed-room. He removed her T-shirt. She shouted. At that time, he threatened her that she will die and her mother will also die. Therefore, she got afraid and kept quiet. Thereafter, he removed her clothes and had pressed her breast as well as rolled his hands on her body. Thereafter, he told her to go home. He had done said act with her for 2-3 times. Thereafter the informant asked the victim. The victim also told above facts to her. Thereafter, they called accused

Tejas. They asked him about the incident. He started assaulting her husband. Therefore, they proceeded to go to police station to lodge report. At that time, the present applicants alongwith accused Tejas, followed their car. The applicant no.1 dashed the window of their car by his fights. Thereafter, they assaulted the informant, her husband and her brother-in-law and they abused them saying that they should not lodge the report.

4) The applicants further contended that the Investigating Officer has completed the investigation and has filed charge-sheet against them. Therefore, nothing is to be recovered or discovered at their instance. They prayed that they may be released on regular bail.

5) Ld. A.P.P. filed his say at Exh.13. He contended that the accused Tajas had committed very serious offence. He had sexually assaulted the minor victim aged about 11 years. When the informant and her family members were going to lodge the report, at that time, the applicants have restrained them from lodging the report. They have also assaulted them. He further contended that the applicants and the witnesses reside in the same village and if the applicants are released on regular bail, there are chances that they may pressurize the witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

6) Notice was issued to informant. The informant appeared and filed her say at Exh.12. She contended that the applicants are residents of their village. They have ill-eye on them and if the applicants are released on regular bail, there are chances that they

may pressurize them and there is fear to their life at the hands of applicants. She prayed that the application be rejected.

7) Heard Ld. advocates appearing for parties.

8) On perusal of material, available on record, it appears that on 07.01.2025, the informant had lodged report, contending therein that on 06.01.2025 in the night at about 8.30 a.m. the victim told her aunt that day prior to 31<sup>st</sup> December, she was plying cycle on the road. At that time accused Tejas called her in the house. Thereafter, he closed the door. At that time, no one was there in the house. Thereafter, he took her in the bed-room. He removed her T-shirt. She shouted. At that time, he threatened her that she will die and her mother will also die. Therefore, she got afraid and kept quiet. Thereafter, he removed her clothes and had pressed her breast as well as rolled his hands on her body. Thereafter, he told her to go home. He had done said act with her for 2-3 times. Thereafter the informant asked the victim. The victim also told above facts to her. Thereafter, they called accused Tejas. The asked him about the incident. He started assaulting her husband. Therefore, they proceeded to go to police station to lodge report. At that time, the present applicants alongwith accused Tejas, followed their car. The applicant no.1 dashed the window of the car by his fights. Thereafter, they assaulted the informant, her husband and her brother-in-law and they abused them saying that they should not lodge the report.

9) The allegations made against the applicants in the report

are that they have restrained the informant from lodging the report. They have assaulted the informant, her husband and her brother-in-law. The applicants have not sexually assaulted the minor victim. The investigation of the offence is completed. The said facts shows that nothing is to be recovered or discovered at the instance of applicants. Therefore, taking into consideration the role of the present applicants in the offence, in my opinion, the applicants/accused can be released on regular bail by imposing appropriate conditions for their appearance at trial. Hence, I proceed to pass following order :-

**: O R D E R :**

- 1) The application is allowed.
- 2) The applicant no.1) **Anup Ganesh Padwal** and no.2) **Dainik Ganesh Padwal** be released on regular bail in **Crime No.2/2025** registered at Roha Police Station, for the offence punishable under section 64(1), 65(2), 74, 75(1), 115(1), 117(1), 352, 351(2), 126(2), 127(2) r/w. section 3(5) of Bharatiya Nyaya Sanhita, 2023 and section 4, 6, 8 & 12 of the Protection of Children From Sexual Offences Act, 2012, on their executing P.B. of **Rs.50,000/-** (Rs. Fifty thousand only) each, with one solvent surety each, in like amount.
- 3) The applicants shall not pressurize the witnesses or tamper the evidence of prosecution.
- 4) The applicants shall not enter the jurisdiction of village Varse, Tal. Roha, Dist. Raigad, till conclusion of trial.

- 5) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.  
Date : 25.04.2025.

(H. K. Bhalerao)  
Special Judge, Mangaon  
Dist. Raigad