

: ORDER BELOW EXH.4 IN SPECIAL CASE NO.28/2026 :
(CNR No. MHRG15-000294-2026)
(Passed on 30.06.2026)

1) The present application has been filed by the accused **Roshan Ashok Waghmare** under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "B.N.S.S.") for regular bail in connection with **C.R.No.97/2026 of Mangaon Police Station**, for offences punishable under sections 64(2)(i), 64(2)(m) 65(1) of Bharatiya Nyaya Sanhita, 2023 (in short, "B.N.S.") and under sections 4, 6, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 (in short, "POCSO Act.").

2) **Prosecution case in brief is that :**

Informant/victim and accused are husband and wife. Informant eloped with accused and married with him prior to one year and thereafter gave birth to twins. Accused having knowledge that victim (aged 16 years at the time of alleged offence) is minor, even though committed penetrative sexual assault on victim and made her pregnant, thereby committed aforesaid offence.

3) Ld. Advocate Shri. R. P. Oka for accused submitted that, from allegations it appears that accused married with victim and they have twins from said marriage. Accused is in custody since his arrest from 31.03.2026. Investigation in the offence was completed and charge-sheet has been filed. Victim nowhere stated force used by accused for marriage or for sexual relationship.

Further victim has given consent for grant of bail. Accused is local resident and ready to abide by conditions of bail. Hence, prayed for grant of bail.

4) The Investigation Officer filed say (Exh.5) with Ld. A.P.P. Shri. Tendulkar and strongly opposed bail application. It is submitted that offence is serious in nature and if accused released on bail possibility of tampering of prosecution witnesses is very high. Consent of victim is immaterial as she is minor. Hence, prayed that bail be rejected.

5) Victim filed say (Exh.6) and given consent for grant of bail.

6) Heard both the sides, perused application, say filed prosecution and also the charge-sheet.

7) It appears that investigation was completed and charge-sheet has been filed. Further it seems that accused married with victim and they have twins. Victim has given her consent for grant of bail. Considering completion of investigation and filing of charge-sheet, no fruitful purpose will be served by keeping accused in jail, as trial will not conclude in near future. Hence, further incarceration of accused, during pendency of trial is not required. The apprehension of prosecution about tampering the prosecution witnesses, can be addressed by imposing appropriate conditions. Accused is local resident and chances of fleeing away

from justice is very rare. Thus, this Court inclined to exercise discretion of grant of bail in favour of accused. Hence, I proceed to pass following order.

: O R D E R :

- 1) Bail Application (Exh.4) is allowed.
- 2) Accused **Roshan Ashok Waghmare** be released on bail in the present case on execution of personal bond of Rs.25,000/- (Rs. Twenty five thousand only) with one surety of like amount.
- 3) The accused shall regularly attend the Court on all the dates unless exempted and shall co-operate in conclusion of the trial.
- 4) The accused shall not tamper with prosecution evidence and witnesses.
- 5) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade said person from disclosing facts to the Court or any police officer.
- 6) The accused shall furnish his contact number, residential address to the Court and shall keep updated in case there is any change.

- 7) The accused shall not leave country without prior permission of this Court.
- 8) Breach of any condition entail cancellation of bail.
- 9) Send soft copy of the bail order by e-mail to the prisoner/accused through the Jail Superintendent on the same day or next working day.
- 10) The Jail Superintendent directed to enter the date of grant of bail in the e-prison software immediately upon receipt.

Sd/-

Mangaon.
Date: 30.06.2026.

(M. K. Patil)
Special Judge, Mangaon
Dist. Raigad.