

: ORDER BELOW EXH.3 IN SPECIAL CASE NO.30/2026 :
(CNR No. MHRG15-000297-2026)
(Passed on 11.06.2026)

1) The present application has been filed by the accused **Sunil Sundar Gandhi**, under section 483 of B.N.S.S., 2023 for regular bail in the present case in connection with C.R. No.27/2026 registered at Mahad City Police Station, for offences punishable under sections 4, 8, 10 and 18 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

Prosecution case in brief is that :

2) Informant/victim aged about 17 years boy lodged Report that when he was in 10th standard in the year June-2024 to March-2025, he was going to private tuition 'Sunil Gandhi Class, Mahad' of accused, during September 2024 to October 2024 at the time of additional tuition accused hugged, kissed, touched penis of informant/victim, accused gave his penis into the hand of victim and taking victim to his bed-room on the 2nd floor of said class, removing clothes of victim, lying on victim, doing obscene things with victim, taking penis of victim into his mouth and ejaculating it. Hence, Report came to be lodged against accused.

3) Ld. Advocate Shri. P. S. Patil for accused submitted that, this is second bail application after completion of investigation and filing of charge-sheet. It is submitted that there was delay of around 1½ year in lodging report. Further Report

came to be lodged only after victim scored less marks in 11th standard. The alleged delay in lodging Report is mitigating circumstance and one of the ground for grant of bail. Other witnesses are father, mother and sister of victim, they are interested and hearsay witnesses. Statement of victim's friend Kuryat Vikas Batavale does not indicate penetrative sexual assault on him. The alleged spot is residential locality, where in another building accused residing with his family. Hence, commission of alleged act is not possible. Though, victim is bright student, he has not given any specific date about alleged incidents. Even after alleged incidents, victim scored good marks in his 10th standard. Hence, issue of trauma sustained by victim when he was in 11th standard is unsustainable. Even after alleged incident, victim continued his tuition with accused classes. Opinion of Medical Officer that possibility of unnatural sex cannot be ruled out is not conclusive opinion. Accused is reputed personality in Mahad City and number of students taking private tuition in his classes, hence their career is at stake. Accused is senior citizen and has undergone tooth canal and also has hearing issue. Accused is involved in social activities. Now, investigation is completed and charge-sheet has been filed. Hence, further custody of accused is not required. Victim is residing at Panvel, hence chances of tampering with prosecution witness is very rare. Hence, prayed for grant of bail.

4) In support of his contentions he relied on following case laws: (i) **Prasanta Kumar Sarkar Vs. Ashis Chatterjee & Anr.**

[2010(4) Crimes 297 (SC)]; (ii) **Sanjay Chandra Vs. CBI (2011 ALL SCR 2930)**; (iii) **Santender Kumar Antil Vs. Central Bureau of Investigation & Anr. [2022 ALL MR (Cri) 4527 (S.C.)]**; (iv) **Shubham Dilip Awasarmal Vs. The State of Maharashtra and Another (Bail Application No.877 of 2025, Bombay High Court)**; and (v) **Anil @ Panda Tukaram Jadhav and Anr. Vs. State of Maharashtra (Criminal Bail Application No.670 of 2026, Bombay High Court)**.

5) Prosecution filed say (Exh.4), Ld. A.P.P. Shri. Mhatre filed say (Exh.6) and strongly opposed bail application. It is submitted that, there is *prima facie* material in the charge-sheet against accused. Victim reiterated his contention in the F.I.R. at the time of recording statement under section 183 of B.N.S.S. It confirms penetrative sexual assault on him. Victim is minor boy, studying in 11th standard, has suffered mental trauma due to alleged incident. He narrated said incident to his sister when she noticed abnormal behaviour of victim. Though there is delay in lodging the Report, it was caused due to fear and defamation in the society. Thus, delay has been satisfactorily explained. Victim is taking treatment from Psychiatrist in respect of trauma suffered by him. Accused is influential person and he may tamper with prosecution witnesses. Earlier bail application was rejected by this Court and this second bail application filed without assigning any change of circumstances. Mere filing of charge-sheet is not substantial change in circumstance. The offence committed by accused is serious. Accused has committed similar act with

number of students of his classes, out of them one student namely Kuryat Vikas Batavale came forward to record his statement. Other students did not come because of fear of defamation. Medical opinion is in support of prosecution. Victim is bright student and due to alleged act of accused, he cannot concentrate in his study due to trauma suffered by him. While considering bail application gravity of offence, impact on society, trauma sustained by victim due to act, tampering with prosecution evidence etc. needs to be considered. As accused is influential person, he will influence witnesses namely father, mother of victim, who are residing in same vicinity. Further, though victim is residing with his sister at Panvel for education, release of accused will also impact his mental situation. Hence, prayed for rejection of bail.

6) In support of his contention he relied on following case laws: (i) **X Vs. State of Uttar Pradesh & Another [2026 Legal Eagle (SC) 36]**; (ii) **Mayur Raju Wankhede Vs. The State of Maharashtra and Ors. [2025 Legal Eagle (BOM) 16574]**; (iii) **Sanjeev Vs. State of Karnataka [2026 Legal Eagle (KAR) 669]**, (iv) **Dnyaneshwar @ Pintu Nivrutti Talekar Vs. Ganesh Pratap Mote [2023 ALL MR (Cri) 2890]**; and **Ashok Pundalik Gavade Vs. The State of Maharashtra [2019 ALL MR (Cri) 1866]**.

7) Father of victim filed say (Exh.7) and strongly opposed bail application. It is contended that contents of Report are true and they had not lodged complaint at the instance of other Coaching Classes. Accused is influential person and will take

benefit of his position in society and will pressurize witnesses. Accused is residing nearby to relatives of victim and if he released on bail, they have to live in continuous terror of accused. Further question of career of other students is not at stake because in June new educational year has been started and accused is already in jail. Thus, prayed for rejection of bail.

8) Heard both the sides, perused application, say filed prosecution, father of victim and also the charge-sheet.

9) It is well settled that subsequent bail application is not precluded and needs to be considered after filing of charge-sheet on its merits.

10) It appears that alleged act committed by accused in September to October 2024, when age of victim was around 15 years. Informant given reason for delay that due to fear of being defamed he had not lodged Report immediately. The alleged act revealed only after sister of victim has noticed victim not concentrating in his studies and on inquiry with victim, he narrated incidents occurred with him in the month of September to October 2024. From record it appears that victim undergoing Psychiatrist treatment in respect of trauma suffered by him. Further it appears that victim had discussed incidents occurred with him with his friend Kuryat Vikas Batavale on Instagram social media account and it has come in the statement of Kuryat Vikas Batavale that same incident happened with him. It has also come

in statement of Kuryat that he had discussed with victim on Instagram social media account about incident occurred with him.

11) Medical Report suggested sexual assault cannot be ruled out. Though victim has not given specific date about alleged incident, the accusation is to be considered while deciding bail application. In the statement of father of victim it has come on record that his son undergoing Psychiatrist treatment.

12) In case law of **Prasanta Kumar** (supra) the Hon'ble Supreme Court while rejecting bail application granted by Calcutta High Court in offence punishable under section 302 has given some factors to be considered while deciding bail application. In case law of **Sanjay Chandra** (supra) Hon'ble Supreme Court granted bail in economic offence observing that considering voluminous charge-sheet trial likely to continue for long period and maximum punishment for offence is 07 years. In case law of **Satender Kumar Antil** (supra) wherein general guidelines on bail in respect of offences punishable with death or life or imprisonment more than 07 years, has been given. All these case laws are not helpful to accused because observations in said case laws are not in respect of POCSO offence and are general in nature.

13) In case law of **Shubham Awasarmal** (supra) wherein Hon'ble Bombay High Court granted bail to the accused considering love relationship between accused and victim. The

facts of present case is different hence not applicable. In case law of **Anil @ Panda Jadhav** (supra) Hon'ble Bombay High Court released accused on bail in POCSO offence considering delay of 03 years in lodging F.I.R., no other victims came forward to give statement against accused and completion of investigation. Facts of the present case is different as in this case one victim Kuryat Vikas Batavale came forward to record his statement and also reason for delay seems to be explained.

14) The case law filed by Ld. A.P.P. i.e. **X Vs. State of Uttar Pradesh** (supra), wherein Hon'ble Supreme Court cancelled bail granted to accused in offence of POCSO with gang rape, observing that in heinous sexual offences involving minor, Court must weigh seriousness of offence, vulnerability of victim and risk of witness intimidation. Further observed that delay in lodging F.I.R. must be weigh with victim's circumstances, evidence and victim's psychological trauma. Though in this case law allegations of gang rape were levelled, however, the factors to be considered while deciding bail application in POCSO offences has been given. In case law of **Mayur Wankhede** (supra) Hon'ble Bombay High Court rejected bail application in POCSO offence with allegations of anal penetrative sexual assault on victim boy observing that POCSO Act enacted with noble objection of safeguarding interest of children and ensuring their protection from sexual exploitation, hence strict scrutiny shall be applied while considering bail application. The facts of this case is similar with the present case, hence observations made therein are applicable and needs to be

considered. In case law of **Sanjeev** (supra), wherein Hon'ble Karnataka High Court rejected bail application in offence punishable under section 4 of POCSO Act, observing that Court requires to assess *prima facie* material in the charge-sheet to assess reasonable ground exist to believe the accusation. In this case, factors to be considered while deciding bail application in POCSO offence has been explained.

15) On point of successive bail application Ld. A.P.P. relied on case law of **Dnyaneshwar** (supra) wherein Hon'ble Bombay High Court held that burden is on accused to plead and satisfy Court substantial change in circumstances to file successive bail application. In case law of **Ashok** (supra) wherein Hon'ble Bombay High Court held that successive bail application can be entertained only if there is substantial change in circumstances.

16) In the present case accused appears to be influential person and having roots in the society. Further father of victim residing in the nearby vicinity of accused. Hence, there is high chances of tampering with prosecution evidence and witnesses. Victim dared to report alleged incident, even though there is fear of being defamed in the society. Thus release of accused will cause impact on his mind.

17) Further it appears that victim reiterated allegations in the F.I.R. at the time of recording his statement under section 183 of B.N.S.S. It seems that there is substance in the allegations.

Further apprehension of father of victim about chances of tampering with prosecution witnesses, cannot be ignored. Considering allegations, material in the charge-sheet, apprehension of criminal intimidation due to status of accused in the society, tampering of witnesses and mental trauma suffered by victim due to alleged incidents, this Court deems it proper not to exercise discretion of grant of bail in favour of accused. Hence, I proceed to pass following order.

: ORDER :

Application for bail (Exh.3) is rejected.

Sd/-

Mangaon.
Date: 11.06.2026.

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