

: ORDER BELOW EXH.3 IN SPECIAL CASE NO.29/2025 :
(CNR No. MHRG15-000380-2025)
(Passed on 15.07.2026)

1) The present application has been filed by the accused **Khalil Tajmulla Tambe** under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "B.N.S.S.") for regular bail in connection with **C.R.No.125/2024 of Mahad City Police Station**, for offences punishable under sections 74, 352 of Bharatiya Nyaya Sanhita, 2023 (in short, "B.N.S.") and under sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012 (in short, "POCSO Act.").

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

Accused and victim are father and daughter. Informant is wife of accused and they are residing separately in the same house since 2019 due to family dispute. On 01.08.2024 at around 16.30 hrs. when informant did not find Aadhar Card, she asked accused about it. At that time, accused abused her. When victim asked him why he was abusing, accused told her to keep quiet and touched her breast. Accused having knowledge that victim is minor committed alleged act and thereby outraged her modesty. Hence, offence registered against him.

3) **Ld. Advocate Shri. Saad Jalgaonkar** for accused submitted that accused has been served notice under section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023. Investigation was

completed and charge-sheet has been filed. Accused has co-operated during investigation. Offence not punishable with imprisonment more than 07 years. Accused is local resident. He has been falsely implicated due to family dispute with informant. Accused is ready to abide terms and conditions of bail, if granted. Thus, prayed for grant of bail.

4) The Investigation Officer filed say (Exh.5) through Ld. A.P.P. Shri. J. D. Mhatre and strongly opposed bail application. It is submitted that accused is father of victim, even though he committed alleged crime. Accused doing job in foreign country and if he released on bail, he will flee from justice. Further there are chances of tampering with prosecution witnesses. Hence, prayed for rejection of bail.

5) Victim filed say (Exh.4) and strongly opposed bail application, contending that if accused released on bail, he will threaten them and tamper with prosecution witnesses.

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

7) It appears that offence is not punishable with imprisonment more than 07 years. Accused has been served with notice under section 35(3) of B.N.S.S. 2023. The section 35(3) of B.N.S.S. provided that when arrest of person is not required, police officer shall issue notice to person against whom offence

has been registered to appear before him or at such other place. The section itself provides that when arrest of accused is not required. Accused is local resident and no criminal antecedents against him. Charge-sheet has been filed and trial will take considerable time for conclusion. Thus, no fruitful purpose will be served by rejecting application for bail. Apprehension of prosecution and victim can be addressed by imposing appropriate conditions. Thus, this Court deem fit to grant bail to the accused. Hence, I proceed to pass following order.

: O R D E R :

- 1) Bail Application (Exh.3) is allowed.
- 2) Accused **Khalil Tajmulla Tambe** 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) Accused shall deposit his Passport into the Court or to Investigating Officer.
- 4) The accused shall regularly attend the Court on all the dates unless exempted and shall co-operate in conclusion of the trial.
- 5) The accused shall not tamper with prosecution evidence and

witnesses.

- 6) 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.
- 7) The accused shall furnish his contact number, residential address to the Court and shall keep updated in case there is any change.
- 8) The accused shall not leave Country without prior permission of this Court.
- 9) Breach of any condition entail cancellation of bail.

Sd/-

Mangaon.
Date: 15.07.2026.

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