



Spl. (POCSO) Case No.32/2025  
State Vs. Omkar Randive  
CNR No.MHRG150003902025

**ORDER PASSED BELOW EXH.04**

- 1) The present application has been filed by the accused **Omkar Rajnikant Randive**, u/s.483 of BNSS, 2023 for regular bail in the present case for offences punishable u/s. 74, 75(1)(i), 75(2), 76, 79 of BNS, 2023 and u/s.7, 8, 9(m), 10, 11(1) & 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
- 2) Prosecution alleges that, accused took both the victims into the society's office situated in the parking, where accused pressed mouth of victim and tried to remove her frock, but as frock was not removed accused took his penis into his hand and touched it to the frock and t-shirt at chest of both the victims, thereby outrage modesty of victims and committed offence of sexual harassment.
- 3) Ld. Advocate Shri. Dighe on behalf of accused submitted that, accused is in custody since 15.04.2025. Accused is falsely implicated and he is innocent. The maximum imprisonment for the offence is not more than seven years. Accused is 28 years old and his career would be hampered, if he continuously detain in jail. Accused is a local resident and ready to abide conditions of bail, if granted. Further submitted that, accused is ready to stay out of Mahad City till conclusion of trial, if such condition is

imposed. The offence is yet to be proved, hence his pre-trial incarceration defeated his personal liberty. Pendency of similar nature offence can not be the ground for rejection of bail. In support of his contention he relied on judgment of **Raosaheb Patole Vs. State of Maharashtra, in Cri. Bail Appl. No.373/2011**, wherein the Hon'ble Bombay High Court held that pendency of similar nature offence can not be ground for refusing bail to the applicant and stringent conditions could be imposed on the accused so that he could not indulge in the similar activities till the trial is over. Hence, prayed for grant of bail.

4) Investigation officer filed say(Exh.08) through Ld. A.P.P. Shri. Tendulkar and strongly opposed bail application. It is submitted that, previously similar nature offence has been committed by accused, wherein he has been released on bail and he was directed not to enter jurisdiction of Mahad City Police Station till conclusion of trial, which was breached by the accused. In the said case prosecution has moved an application for cancellation of bail, which is pending. Offence is serious in nature and if accused released on bail he will tamper with prosecution evidence and witnesses. Hence, prayed for rejection of bail.

5) Victim filed say(Exh.10), wherein it is submitted that, both the victims are too small in age and taking education in the school. Accused is residing in the neighboring building of victims. In case, accused released on bail he will repeat the same

offence and would also threaten prosecution witnesses. Hence, prayed for rejection of bail.

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

7) It appears that maximum punishment for offence may extend to seven years. Accused is in jail for near about twelve months. Though, offence is serious in nature, the allegations are yet to be proved in the trial. The trial would take considerable period for conclusion. It is true that similar nature offence has been pending against the accused and therein he has been released on bail. Though, application for cancellation of bail is filed by prosecution, bail of accused is yet not cancel. The Hon'ble Bombay High Court in the case of **Raosaheb Patole** (*supra*) released accused on bail, though there are 28 similar nature cases pending against the accused. Wherein, it was held that pending similar nature cases shall not be ground for rejection of bail and stringent conditions can be imposed on accused, so that he could not indulge in similar activities. In the said judgment it was further directed that, accused shall attend concerned police station every night between 09.00 p.m. to 11.00 p.m. till the trial is over and no relaxation of condition would be sought by the accused till the trial is over.

8) The Hon'ble Supreme Court in number of cases held that pre-trial incarceration shall not be used as a form of punishment and upheld personal liberty guaranteed under Article 21 of the

Constitution. The principle '*bail is rule and jail is exception*' is rooted in the presumption of innocence until conviction. The object of detention pending trial is only to secure presence of accused during trial and not to punish him before conviction. There is no material to show that accused will abscond, if he release on bail. The apprehension of prosecution and victim can be addressed by imposing stringent conditions. Thus, this Court is inclined to exercise discretion of grant of bail in favour of accused. Hence, I proceed to pass following order.

**:: ORDER ::**

- 1) The application(Exh.04) is allowed.
- 2) Accused **Omkar Rajnikant Randive** be released on bail in the present case on execution of personal bond of Rs.25,000/-(Rupees Twenty Five Thousand Only) with one surety of like amount.
- 3) The accused shall not enter within jurisdiction of Mahad Taluka till conclusion of trial and no relaxation of condition shall be granted to the accused till the trial is over.
- 4) The accused shall not commit similar nature offence in future.
- 5) The accused shall regularly attend the Court on all the dates unless exempted and shall co-operate in conclusion of the trial.

- 6) The accused shall not directly or indirectly contact victim or witnesses to make any inducement, threat or promise to prosecution evidence and witnesses.
- 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 Maharashtra State without prior permission of this Court.
- 9) Breach of any condition entail cancellation of bail.
- 10) 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.
- 11) The Jail Superintendent directed to enter the date of grant of bail in the e-prison software immediately upon receipt.

Sd/-

Mangaon.

(M. K. Patil)

Date: 09.04.2026.

Addl. Session Judge, Mangaon.