



Spl. Case No.63/2025
State of Maharashtra Vs.
Rupesh Shankar Utekar
MHRG150006532025

ORDER PASSED BELOW EXH.04

The present application has been filed by the accused **Rupesh Shankar Utekar** u/s.483 of BNSS, 2023 for regular bail in the present case for offences punishable u/s.79, 115(2), 351(2) of IPC and section 12 of The Protection of Children from Sexual Offences Act, 2012(in short 'POCSO Act').

2. Allegations against the accused are that, on 03.08.2025 at around 07.30 p.m. when informant reached her home from work her minor daughter i.e. victim, told her that accused her uncle came at home at around 07.00 p.m. At that time, victim and her minor brother were only at the home. As the doors of the house are closed and victim was not opening the doors, accused abused her in the filthy language. Hence, informant, mother of victim lodged F.I.R. against the accused.

3. Ld. Advocate for accused Shri. Roshan Pandhare submitted that, false case has been lodged against the accused due to ancestral property dispute. Further, the accused is in jail since 04.08.2025. Investigation is completed and charge-sheet is filed. Accused is not required for investigation. The offence is not punishable with death or imprisonment for life. Accused is ready to abide any conditions imposed by this Court while granting bail. Hence, prayed for released of accused on bail.

4. Prosecution filed say(Exh.5) and strongly opposed bail application. Ld. A.P.P. Shri. Tendulkar submitted that, while considering bail application tampering with prosecution evidence and witnesses shall be considered. Further, the offence is serious in nature. Previously accused was released on bail in the same nature offence which was lodged by informant and by committing present offence accused has breach condition of previous bail. Victim is minor and studying in school, in this circumstances if accused is released on bail it will cause impact on her studies.

5. Ld. Advocate Shri. Sujit Mehta appeared on behalf of victim and filed affidavit(Exh.8). It is submitted that, there are number of cases filed by informant against the accused. Accused is residing in the same village, where informant and victim are residing. Further, victim is studying in 10th standards and her exams are going on, if accused is released on bail it will hamper her studies. It is also submitted that, accused previously misbehaved with informant number of times. It is also submitted that, on day of incident if victim has opened doors of the house then any serious incident would have been happened with her. Hence, prayed for rejection of bail.

6. Heard both the sides. Perused application, say filed by A.P.P. and affidavit filed by informant.

7. The allegations are that, accused used filthy language against the victim. Accused is in jail since 04.08.2025.

Investigation is completed and charge-sheet has been filed. In this circumstances, keeping accused behind the bars amount to pre-trial conviction. The present offence is not punishable with death or imprisonment for life. The grievance of prosecution can be addressed by imposing stringent conditions. Hence, I am inclined to exercise discretion in the favour of applicant/accused to release him on bail. Hence, I proceed to pass following order.

ORDER

- 1) The application(Exh.4) is allowed.
- 2) Accused **Rupesh Shankar Utekar** 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 in the like amount.
- 3) In case accused unable to arrange surety then he shall be released on cash bail of Rs.25,000/- for period of six weeks and during said period accused shall arranged for surety and shall furnished surety after six weeks.
- 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 is restrained from entering within jurisdiction of Roha Taluka till conclusion of trial.

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

Sd/-

Mangaon.
Date: 04.03.2026.

(M. K. Patil)
Addl. Session Judge, Mangaon.