



MHRG150007672025

Spl. (POCSO) Case No.78/2025
State of Maharashtra Vs.
Sagar Shravan Jadhav & Ors.

ORDER PASSED BELOW EXH.05

- 1) The present application has been filed by the accused **No.3 Kavita Mahendra Waghmare** u/s.483 of BNSS, 2023 for regular bail in the present case for offences punishable u/s.64(2)(i), 3(5) of BNS, 2023, u/s.4, 6, 8, 12, 21 of The Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') & u/s.9, 11 of The Prohibition of Child Marriage Act (PCMA), 2006.
- 2) Case of prosecution is that, accused No.2 & 3 being father and mother of victim (age about 16 years 27 days at the time of alleged offence), had performed her marriage with accused No.1 having knowledge that victim is minor and she is in their custody. The accused No.1 having knowledge that, victim is minor, kept physical relationship with her and made her pregnant. Accused thereby committed aforesaid offence.
- 3) Applicant filed present application for bail on ground that investigation officer has served notice u/s. 35(3) of BNSS, 2023 to the present accused, wherein accused has co-operated investigating officer for investigation. Hence, there is no need of arrest of accused. Investigation has been completed and charge-sheet was filed. Accused No.1 has been released on bail. Further submitted that, accused is local resident and will not flee from

justice and ready to abide all conditions imposed by this Court while releasing accused on bail. Hence, prayed for grant of bail.

4) Ld. A.P.P. Shri. Tendulkar filed say(Exh.6) on behalf of prosecution and opposed bail application. It is submitted that, there is prima facie evidence against accused in the charge-sheet, which shows involvement of the accused in the offence. The offence is serious in nature. The victim is daughter of accused, hence tampering with prosecution evidence and witnesses can not be ruled out. Hence, prayed for rejection of bail.

5) Victim filed her say(Exh.10) and given no objection for grant of bail to the accused.

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

7) It appears that, accused had performed marriage of victim with accused No.1. There is no allegation force applied by accused on victim for performing marriage. As the victim is minor her consent is immaterial, but considering facts and circumstances there is no use of force by accused to victim. Investigation has been completed and charge-sheet has been filed. Besides, accused No.1 was released on bail. Allegations against the present accused are in respect of offences punishable with maximum imprisonment upto seven years. It appears that, investigation officer had issued notice to the accused as per section 35(3) of the BNSS, 2023 and accordingly, accused co-

operated in the investigation. Thus, there is no need of arrest and incarceration of accused till conclusion of trial. In addition, accused is local resident. There is no record about criminal antecedent of accused brought by prosecution. The prosecution submission in respect of tampering with witnesses and evidence can be addressed by imposing conditions. Considering facts and circumstances, I am inclined to exercise discretion in the favour of accused to release him on bail. Hence, I proceed to pass following order.

ORDER

- 1) The application(Exh.5) is allowed.
- 2) Accused **No.3 Kavita Mahendra Waghmare** 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 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 her contact number, residential address to the Court and shall keep updated in case there is any change.
- 8) The accused shall not leave State of Maharashtra without prior permission of this Court.
- 9) Breach of any condition entail cancellation of bail.

Sd/-

Mangaon.
Date: 10.03.2026.

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