



**IN THE COURT OF SPECIAL JUDGE
AT PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE NO.23/2021

The State of Maharashtra

--- Prosecution

Vs.

Yogeshsingh Hanumantsingh Yadav

--- Accused

Corum - Santosh C. Shinde

Date - 20th February 2026

Appearance-

Ld. advocate Smt. Milkha Gharat for accused.

Ld. Spl. P. P Smt. Wade for the State of Maharashtra.

Order Below Exh.3

1. Heard Ld. advocate Smt. Milkha Gharat for accused and Ld. Spl. P. P Smt. Wade for the State.
2. Application is filed by accused for granting regular bail.
3. Notice was issued to victim, State of Maharashtra & Investigation officer. Say is not filed by the State therefore, application proceeded without say.
4. Perused charge-sheet.
5. FIR is registered by aunt of victim. Accused is father of victim. FIR shows that on 25th December 2020, victim had gone to the

6. house of informant on vacation. Victim was not talking with anyone therefore, informant asked her the reason. Victim sobbed & narrated that since 2016 accused is committing sexual assault on her. Victim further told her that accused shows her porn videos, licks her private part and inserts fingers in it. Thereafter, this fact was informed by informant to mother of victim and thereafter, FIR is registered.
7. Ld. advocate for accused submitted that accused is falsely implicated. Informant had demanded money from accused for her business purpose but accused had not given money, therefore there was dispute between accused, his wife & informant. Complaint is lodged after delay of five months. No offence is committed by accused. Complaint is not registered by mother of victim when police station is near the house. Father of accused is bed-ridden. On medical ground bail be granted to accused.
8. Ld. Spl. P. P submitted that victim is minor. She has narrated the incident to her aunt. Accused has not filed documents to show illness of his father. Pendency of the case could not be ground for granting bail. Previous bail application was rejected on merit. Accused has committed aggravated penetrative sexual assault. Offence is serious in nature. Prosecution is ready expedite the matter.
9. Record shows that accused is father of victim. It is alleged that accused was committing aggravated penetrative sexual assault on victim when wife of accused was going on work and victim was staying with him in the house.

10. In statement, victim has stated about the alleged incidents. She has stated that she had not disclosed about the first incident as accused had threatened her. Statement of wife of accused shows that in the year 2017, victim had told her that accused used to disrobe her & massage her body. She had instructed to accused not to do such act with victim. Victim has not made it clear as to why after 2017 she had not complained about alleged acts of accused to her mother or aunt.
11. As per statement of wife of accused, she came to know about sexual assault on victim through the mouth of informant. She has not stated as to why she had not lodged complaint and why complaint was lodged by her sister. When in the year 2017, wife of accused was aware about sexual assault on victim, she had not lodged complaint.
12. If incident is considered then incident has occurred between 2016 to month of June 2020 and complaint is lodged on 29th December 2020. Reason for delay is not mentioned in FIR. It is alleged that accused was showing porn videos to victim. As per statement of wife of accused, during quarrel accused has broken his mobile and disposed of it. It is not clarified when that quarrel took place and for what reason mobile phone was broken by accused. No mobile is recovered from the accused.
13. In the year 2021, first bail application of accused was rejected on merit. Accused was arrested on 29th December 2020 and since then he is behind bars. There is no progress in trial for last five years. Considering pendency before this Court, it will take time to commence & conclude the trial therefore it would

not be proper to keep accused behind bars for indefinite period otherwise it will amount to pre-trial conviction.

14. Bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment. Considering period of incarceration of accused and no progress in the trial, I am of the view that accused needs to be released on bail by imposing certain conditions. As a result, I pass the following order.

ORDER

1. Application is allowed.
2. Accused Yogesh Hanumantsingh Yadav be released on furnishing P.B & S.B of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties in like amount in crime No.283/2020 registered at Khandeshwar Police Station, Navi Mumbai for offence punishable u/s.376 of the IPC, 1860, u/s.4, 5(l)(n),6, 8 & 12 of the POCSO Act, if he is not required in any other offence.
3. Accused shall not contact to informant, victim or her family members.
4. Accused, till further orders, shall not enter in area where informant, victim & her family ordinarily resides or works for gain.
5. Accused shall not, directly & indirectly, make any inducement, threat or promise to any person acquainted with facts & circumstances of case so as to dissuade him

from disclosing such facts to the police & Court.

6. Accused shall not leave India without previous permission of the Trial Court.
7. Accused shall furnish his permanent & temporary residential proof, valid e-mail ID and mobile number.
8. Registry is directed to inform accused about this order by e-mail.

(Application is disposed of accordingly)

Sd/-

Panvel
Date - 20/02/2026

(Mr. S. C. Shinde)
Special Judge, Panvel,
Dist.-Raigad