



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

CRIMINAL BAIL APPLICATION NO.183/2026

Avadheshkumar Radhyeshyamkumar --- Applicant

Vs.

The State of Maharashtra --- Respondent

**Corum** - Santosh C. Shinde

**Date** - 13<sup>th</sup> March 2026

**Appearance-**

Ld. advocate Mr. Sachin Patel for the applicant.

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

**Order Below Exh.1**

1. Heard Ld. advocate Mr. Sachin Patel for applicant & Ld. Spl. P. P Wade for the State of Maharashtra.
2. Application is filed for regular bail.
3. Notice was issued to victim, State of Maharashtra & investigation officer. Say is filed at exh.5 and application is strongly objected.
4. Perused FIR, say & documents filed by the parties.
5. FIR is registered by father of victim. On 10<sup>th</sup> January 2025 at about 6:30 PM victim had gone out after taking permission of

6. informant but she did not return. Her search was taken in vicinity but she was not found therefore, FIR was registered for kidnapping against unknown person. During investigation, it was revealed that applicant had taken victim with him and committed sexual intercourse with her. Thereafter, provisions of POCSO Act have been invoked.
7. Ld. advocate for applicant submitted that false case is registered against applicant. Victim & applicant were in love. Both have married. Investigation is completed and further custody is not required.
8. Ld. Spl. P. P submitted that victim is minor and accused had taken her from custody of her parents. He has committed forcible sexual intercourse with her. If released on bail, he may tamper the evidence and threatened the witnesses.
9. FIR shows that complaint for kidnapping was registered as victim was missing. During investigation, it is revealed that applicant had taken victim with him when he was aware that she is minor. It is alleged that on pretext that both are married applicant has committed penetrative sexual assault on her.
10. As per applicant, he has performed marriage with victim. If age of victim is considered then she is 17 years old which shows that she has sufficient understanding. Nowhere it has come on record that she was forcefully taken by applicant.
11. Ld. advocate for applicant has placed on record WhatsApp chats between the applicant & victim to show that both were in love.

12. Record shows that applicant was arrested on 23<sup>rd</sup> February 2026 and since then he is behind bars. No recovery or discovery is pending. Most of the investigation is practically completed. Bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment.
13. It will take time to commence & conclude the trial therefore it would not be proper to keep applicant behind bars for indefinite period otherwise it will amount to pre-trial conviction. Applicant can be released on bail by imposing certain conditions. As a result, I pass the following order.

### **ORDER**

1. Application is allowed.
2. Applicant Avadheshkumar Radhyeshyamkumar be released on furnishing PB & SB of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties in like amount in crime No.18/2025 registered at Panvel City Police Station, New Mumbai for offences punishable u/s.64(2)(m) & 137(2) of the BNS, 2023, u/s. 4 & 8 of the POCSO Act, if he is not required in any other offence.
3. Applicant by any mode of communication shall not contact to victim or her family members and till further orders, he shall not enter the area where victim & her family members ordinarily reside or works for gain.

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

(Application is disposed of accordingly)

Panvel  
Date - 13/03/2026

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