

MHRG170003992026



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

CRIMINAL BAIL APPLICATION NO.194/2026

Rohidas Kaluram Waghmare --- Applicant

Vs.

The State of Maharashtra --- Respondent

Corum - Santosh C. Shinde

Date - 12th March 2026

Appearance-

Ld. advocate Smt. Milkha Gharat for the applicant.

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

Victim & investigation officer in person.

Order Below Exh.1

1. Heard Ld. advocate Smt. Milkha Gharat 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.4 and application is strongly objected.

4. Perused FIR, say & documents filed by the parties.
5. FIR is registered by victim. She is minor and at the time of incident, she was studying in 9th standard. She knows applicant since her childhood. In the month of September 2025, applicant had given proposal of marriage but same was refused by mother of victim considering tender age of victim. Both were meeting each other without knowledge of mother of victim.
6. FIR shows that in the month of October 2025, applicant had gone in the home of victim and without her consent, committed penetrative sexual assault. Thereafter also, he committed penetrative sexual assault on her. Mother of victim got knowledge about their relationship therefore, she had prohibited applicant from coming to her home.
7. FIR further shows that in the month of December, 2025 applicant & victim eloped and performed marriage. Thereafter, victim was residing with applicant in the house of applicant. They had sexual intercourse whereby victim become pregnant therefore, she had informed this fact to her mother. Then, victim was taken in the hospital for checking and it was revealed that she is pregnant. Thereafter, FIR is registered.
8. Ld. advocate for applicant submitted that applicant & victim were in love and whatever has happened between them has happened with consent of victim. Both are from Adivasi community and in that community, marriages are performed in early ages. Applicant is ready to take responsibility of victim

and her child. Investigation is completed and further custody of applicant is not required.

9. Ld. Spl. P. P submitted that victim is minor and she is five months pregnant. Her consent is immaterial. Offence is serious in nature. Accused may pressurize the witnesses & tamper the evidence.
10. Investigation officer submitted that investigation is pending and witnesses are to be examined.
11. Victim submitted that applicant is her husband and she has no complaint against him.
12. From FIR, it becomes clear that victim & applicant were familiar to each other and both were in love. On multiple occasions, both had sexual intercourse and as per statement of victim, she has performed marriage with applicant.
13. If age of applicant is considered then he is 19 years old while victim is 14 years old. Victim is child and now she is pregnant therefore, offence is registered against applicant. As per applicant, he & victim belongs to Adivasi community. It is seen that in most of the Adivasi communities, child marriages are performed which is serious issue of concern. It has also been seen that many girls who had not completed their majority have performed marriages and they have given births to children. In most of the cases there is no complaint of victim or her family members and due to technicalities, offences are registered against the offenders.

14. If case in hand is considered then offence is registered as victim is minor & pregnant. Most of investigation is completed. No recovery or discovery is to be made. Applicant was arrested on 25th February 2026 and since then he is behind bars. Bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment.
15. 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 Rohidas Kaluram Waghmare be released on furnishing PB & SB of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties in like amount in crime No.97/2026 registered at Karjat Police Station, Tal- Karjat, Dist- Raigad for offences punishable u/s.64(2)(i), 64(2)(m) & 65(1) of the BNS, 2023, u/s. 4(2), 5(j)(2), 5(l) & 6 of the POCSO Act, if he is not required in any other offence.
3. 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.

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

(Application is disposed of accordingly)

Panvel
Date - 12/03/2026

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