


<p>MHRG170005412025</p> 	<p>(POCSO) Special Case No. 65/2025</p> <p>State of Maharashtra ... Prosecution Vs. Mohd. Akib Naushad Ali ... Accused</p>
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ORDER BELOW EXH. 3

- 1] This is an application filed by accused/applicant-Mohd. Akib Naushad Ali under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short “BNSS”) for grant of bail.
- 2] I.O. has filed say to this application at Exh.5 and thereby strongly opposed the application.
- 3] Perused application, say thereon and documents produced on the record. Notice of this bail application was issued to informant. Accordingly, mother of victim /informant appeared at the time of hearing of the bail application and strongly opposed the bail application. Heard both sides.
- 4] The accused is charge-sheeted for the offences punishable under Section 64 and 74 of the BNS and Section 4, 6, 8, 12 of The Protection Of Children From Sexual Offences Act, 2012 (POCSO Act).
- 5] Ld. Advocate for accused submitted that , allegations against the applicant are false. The applicant is innocent and has not committed any offence. There is no any iota of evidence of against the applicant. The applicant is young and has no criminal antecedent. Now, the charge-sheet has been filed. Investigation

in all respect is completed. The family of the applicant is depending upon him. Applicant is ready to obey any conditions to be imposed by the Court.

6] Ld. Addl. P. P. Shri. Madhuri Thalkar submitted that, at the time of incident victim was 9 years old. Though charge-sheet is filed, considering the nature and gravity of the offence it is not proper to release the applicant on bail. If applicant is released on bail, he will pressurize the victim and other prosecution witnesses. Hence, prosecution prayed for rejection of bail.

7] Perused application, say and record of the case. It is alleged that, on 20/01/2025 informant's daughter went to private tuition. The tuition teacher informed the informant that daughter wants to talk with the informant. Thereafter, the informant went at the tuition. At that time, informant's daughter/ victim was crying. When asked she told that one *Bhaiyaa*(applicant) made bad touched to her. When she was coming to tuition her bicycle chain was fell down. At that time, the applicant reached and offered help to the victim. The informant told to the victim that he could not repair the chain. Thereafter, the applicant went along with the victim at the place where tuition was there. While entering into gate of the building the watchman asked to the applicant, but he told that he would drop the victim to tuition. Therefore, the watchman allowed him. The victim was taken to 11th floor. The applicant made bad touch to the victim in passage situated in front of lift. Applicant

removed part of victim and applied his mouth to private part of victim. The victim had narrated the description of the applicant.

8] It appears that victim is 9 years old. Informant who is mother of the victim mentioned that due to said incident there is psychological impact on the victim. The offence is of serious nature. If applicant is released on bail, the possibility of pressuring the victim and her family cannot be ruled out. There is possibility of repetition of crime. The safety and well-being of the victim is important. So, considering nature and gravity of offence, I am not inclined to grant bail to applicant. Therefore, I proceed to pass following order.

:: ORDER ::

1. Application (Exh.3) is rejected.
2. Inform the concerned police station and jail authority, accordingly.

Panvel,
Dated :- 22/05/2025

(S. R. Chavan)
Addl. Sessions Judge
Panvel, Dist.-Raigad