

MHRG170009832026



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

Criminal Bail Application No. 494/2026

Subhash Bhoju Rathod

---Applicant

Vs.

State of Maharashtra

--- Opponent

Appearance-

Ld. advocate Mr. Shyam Hambarde for applicant.

Ld. Addl. P P Smt. Madhuri Thalkar for State.

ORDER BELOW EXH. 1

1. This is an application filed by applicant **Subhash Bhoju Rathod** 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.8 and thereby strongly opposed the application.
3. Perused application, say thereon and documents produced on the record. Heard both sides.
4. Applicant was arrested on 23/05/2026 in connection with Kamothe Police Station C.R.No.136/2026 for the offences

punishable under Section 65(1) of the BNS and under Section 4 and 6 of the Protection of Children From Sexual Offences Act, 2012.

5. Ld. Advocate for applicant submitted that, false case has been registered against applicant. There was delay in lodging FIR. Initially FIR was registered for outraging the modesty of the victim. The applicant is like brother of victim's grandmother. Almost investigation is completed. Further detention of the applicant is not necessary. The applicant is ready to obey any condition to be imposed by the Court.
6. Ld. Spl.PP. Smt. Madhuri Thalkar submitted that offence is of serious nature. Applicant is remote relative of the victim. The applicant committed aggravated penetrative sexual assault. If applicant is released on bail, he would not be available for trial. Hence, prosecution prayed for rejection of bail.
7. Perused FIR and documents placed on record. Informant/victim is 14 years old. She was staying with her grandmother. Her mother passed away before 5 years back. Her father is missing since last 1 year. She has younger sister aged 13 years, who is staying with her maternal aunt. The applicant is like brother of her grandmother, therefore informant was calling him as a "Nana". He used to come at informant's home. On 19/05/2026 informant's grandmother went out from

home for doing household work. At about 8.00 a.m. applicant made phone call to the informant. At about 8.30 a.m. applicant came with Bhaji and Patis. He locked door of the house from inside. He took informant's hand in his hand. Pressed informant's mouth and moved his hand on the chest of informant. Therefore informant became scared. Applicant warned the informant that not to disclose the said thing to anybody. Thereafter on 23/05/2026 informant narrated the said incident to her grandmother. Thereafter she lodged report with Kamothe Police Station vide C.R. No.136/2026 for the offences punishable under Section 4, 6 and 8 of the POCSO Act.

8. During investigation it is revealed that the applicant had forcibly sexual intercourse with informant. However, due to threat given by the applicant, she did not mention in FIR. Therefore, during investigation Section 65(1) of BNS was added. The offence is of serious nature. The victim is 14 years old. She has no parents. She is staying with her grandmother. Her younger sister aged 13 years was also staying with maternal aunt. Taking disadvantage of the victim's condition, the applicant committed rape on minor girl. Offence is of extreme serious nature. Investigation is not completed. Considering seriousness of the crime, it is not proper and prudent to release the applicant on bail. Therefore, I am not inclined to grant bail. As a result, I pass following order.

:: ORDER ::

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

Panvel,
Dated :- 10/06/2026

(S. R. Chavan)
I/c-Special Judge, Panvel,
Dist.-Raigad