



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

SPECIAL CASE NO.62/2024

The State of Maharashtra --- Prosecution

Vs.

Niraj @ Pawan Devlal Patel --- Accused

**Corum** - Santosh C. Shinde

**Date** - 13<sup>th</sup> March 2025

**Appearance-**

Ld. advocate Mr. G. V. Mukane for accused

Ld. Addl. P. P. Mr. A. R. Kadam for the State of Maharashtra.

**Order below exh.4**

1. This application is filed by accused for regular bail.
2. Say of State of Maharashtra & Investigation Officer was called upon. Say is filed on exh.7 and application is strongly objected.
3. Heard Ld. advocate Mr. Mukane for accused, Ld. Addl. P. P. Mr. A. R. Kadam for the State & victim in person.
4. Ld. advocate Mr. Mukane submitted that victim had went with accused without informing her parents which shows

that she had gone without threats or force. Victim was not kidnapped. Accused is falsely implicated. FIR is registered after seven months. There is no evidence to show that victim was with accused. He is doing a job in Raigad District. He is only earning member of family. He is ready to abide by any condition.

5. Addl. P. P submitted that accused had kidnapped victim and he had taken her at Uttar Pradesh where he has committed sexual assault. He may pressurize the witnesses. He may not be available for trial as he is resident of Uttar Pradesh. Informant submitted that accused has harassed him.
6. Perused charge-sheet.
7. FIR is registered by father of victim. If age of victim is considered then she is minor. FIR shows that accused was doing work of painting in adjoining building where victim was residing. On 1<sup>st</sup> September 2023 at about 07.45 PM, when informant was having his dinner, victim went out of house to bring clothes kept for drying in yard. Informant called her but he did not get response and footwear of victim was also not found therefore search was taken but victim was not found. Then offence was registered for kidnapping. Later on, it was revealed that accused has taken victim with him therefore sections under POCSO Act and additional section of 376 of the IPC have been added.
8. On 1<sup>st</sup> September 2023, victim was missing and after search she was not found therefore on 3<sup>rd</sup> September 2023, FIR u/s. 363 of the IPC is registered. Documents shows that victim is

minor. If statement of victim is considered then in her statement she has stated that she & accused were meeting each other in vicinity. Accused had promised her that he will marry her and he will take her to his native place. Victim had recused for that therefore accused was not talking with her therefore on 1<sup>st</sup> September 2023, she eloped with accused.

9. As per victim she was residing with accused in one village in Uttar Pradesh and accused has committed sexual intercourse with her. Police were searching them therefore she & accused returned at Panvel and accused went at Uttar Pradesh after dropping her at village Deravli. Victim in her statement has not stated that she was forcefully taken by the accused.
10. As victim is underage and accused committed sexual intercourse, section 376 of the IPC and sections of POCSO Act have been invoked against accused. No doubt, victim is minor and her consent is immaterial but her age & understanding shows that she is aware what happened with her. Offence is serious in nature but now, charge-sheet is filed and no recovery is to be made. Accused is arrested on 20<sup>th</sup> April 2024 and since his arrest, he is behind bars.
11. Bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment. Accused cannot be kept behind bars for indefinite period as it will take time to commence & conclude the trial. So also, only for reason that accused is resident of another State, his bail

application cannot be rejected and by imposing certain conditions, accused can be released on bail. As a result, I pass the following order.

### **ORDER**

1. Application is allowed.
2. Accused Niraj @ Pawan Devlal Patel be released on furnishing P.B & S.B of Rs. 25,000/- (Rupees Twenty Five Thousand) with one or two solvent surety in like amount in crime No.224/2023 registered at Panvel Taluka Police Station, Tal.- Panvel, Dist.- Raigad for offences punishable u/s. 363, 376(2) of the IPC and u/s.4, 8, 9(m), 9(l), 10 of the Protection of Children from Sexual Offences Act, 2012, if he is not required in any other offence.
3. Accused between 9.00 AM to 11.00 AM on first Sunday of alternate month shall mark his presence in concerned police station till further order.
4. Accused, by any mode of communication, shall not contact to victim or her family and he shall not enter the area where victim & her family ordinarily resides.
5. Accused shall not leave India without previous permission of the Court.
6. 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.

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7. Accused shall furnish his permanent & temporary residential proof, valid e-mail ID and mobile number.
8. Accused shall attend the trial regularly.
9. Registry is directed to inform accused about this order by e-mail.

Application is disposed of accordingly)

Panvel  
Date: 13/03/2025

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