

MHRG170010332025



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

SPECIAL CASE NO.131/2025

The State of Maharashtra --- Prosecution

Vs.

Bharat Sadashiv Jadhav --- Accused

Corum - Santosh C. Shinde

Date - 11th September 2025

Appearance-

Ld. advocate Mr. Gajanan Lasure for accused.

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

Victim in person.

Order Below Exh.2

1. Heard.
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. Ld. advocate for accused has filed written notes of argument at exh.3.
4. Perused charge-sheet.

5. FIR shows that victim is daughter of brother of informant. Accused is husband of informant. Victim was residing with informant. Parents of victim were residing in Pune due to their work. In the month of May-2025, parents of victim had come to the house of informant and they had stayed there for three months. On 4th April 2025 there was quarrel between informant & accused therefore she was admitted in the hospital. Accused had told informant that he is leaving the house therefore, informant was crying and that time victim told her that accused is a bad man.
6. When informant questioned her, victim narrated that in the month of June-2024, accused has committed sexual intercourse with her by threatening her. It is alleged that after that incident, after three months, again sexual intercourse was committed by accused. Then after two days, again accused committed sexual intercourse with victim. It is further alleged that on 31st March 2025 when informant had gone to Mumbai, accused committed forcible sexual intercourse with victim. After narration of such incidents, victim was brought in the police station and FIR was registered.
7. Ld. advocate for accused submitted that accused himself is a victim in the case. Investigation is not made by police whether victim is divorcee or not. No Injuries are found in medical. In complaint, different relationship is stated by victim. Statement of parents of victim is not recorded by police. As a revenge of quarrel that took place on 2nd April 2000, present case is registered. If incident had occurred then victim should have

told the same to her parents as they were staying with her. Victim is habituated to intercourse.

8. Ld. advocate for accused further submitted that accused has no antecedents. Investigation is completed and further custody is not required. Applicant is ready to abide by stringent conditions. Ld. advocate for accused has relied upon judgment of Hon'ble Supreme Court in **Jalaluddin Khan Vs. Union of India [Criminal Appeal No.3173/2024]**. He has also relied upon judgment of Hon'ble Bombay High Court in **Sujit s/o Shriram Rathod Vs. State of Maharashtra [Cri.B.A. No.286/2022 decided on 04/05/2022]** & **Ashokprasad s/o Madhuprasad Dikshit Vs. State of Maharashtra & Anr. [Cri.B.A. No.907/2024 decided on 12/11/2024]** I have considered these citations while deciding this bail application.
9. Ld. Spl. P. P submitted that offence is serious in nature. Victim is minor. Incident has occurred in the house. If he is released on bail then he will go in the same house and repeat the offence. He may threaten the witnesses. Victim submitted that accused is her uncle. He has threatened to kill her. He has done wrong to her therefore bail should not be given to him
10. Record shows that victim is 12 years old. In her statement victim has narrated the incidents about forcible sexual intercourse by accused by threatening her. Statement of informant & victim shows that parents of victim have resided with informant & victim for three months but victim had not told them about acts of accused. Police have not recorded statement of parents of victim.

11. If statement u/s.164 of the CrPC of victim is considered then she has narrated the same facts. Both statements of victim shows that accused has committed penetrative sexual assault on victim by threatening her. Age of victim is not more than 11 years therefore it is quite natural for such a child to disclose about sexual intercourse when child is under threat and residing with accused.
12. Accused is close relative of victim. He is married still he has committed such heinous offence with a child under 12 years of age when child was in position of trust on him which makes the offence more serious. Accused is husband of informant & paternal uncle of victim therefore there is possibility of tampering the evidence and he may pressurize the witnesses.
13. No doubt, charge-sheet is filed but filing of charge-sheet does not lessen the gravity of offence. Considering relationship of accused with informant & victim, I am not inclined to grant bail to accused. There is no merit in bail application and same is liable to be rejected. As a result, I pass the following order.

ORDER

1. Application is rejected.
2. Registry is directed to inform accused about this order by e-mail.

(Application is disposed of accordingly)

Sd/-

Panvel
Date - 11/09/2025

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