



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

SPECIAL CASE No.71/2024

The State of Maharashtra --- Prosecution

Vs.

Nirmal Chaudhari and Ors. --- Accused

**Corum** - Santosh C. Shinde

**Date** - 02<sup>nd</sup> December 2025

**Appearance-**

Ld. advocate Mr. Indrajeet Bhosale for accused 1 & 3

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

Investigation officer & victim in person.

**Order below exh.8**

1. This application is filed by accused **No.3 Deepti Nirmal Debnath** for regular bail.
2. Say of victim, investigation officer & State of Maharashtra was called upon. Say is filed at exh.9 and application is strongly objected.
3. Heard Ld. advocate Mr. Indrajeet Bhosale for accused No.3, Ld. Spl. P. P Smt. P. P. Wade for the State, investigation officer & victim in person.

4. Ld. advocate Mr. Indrajeet Bhosale for accused No.3 submitted that delayed FIR is registered. Accused No.3 is behind bars for last one & half year and there is no progress in the trial. She has never encouraged accused No.1 to commit the offence. False case is registered. Charge-sheet is filed. Further custody is not required.
5. Ld. Spl. P. P. submitted that accused No.1 has committed forcible sexual intercourse with victim before accused No.3. She was allowing accused No.1 to commit sexual intercourse with victim for money. It has come on record that accused No.3 has taken money from accused No.1. If she is released on bail then she may threaten the victim. Prosecution is ready to expedite the trial.
6. As per investigation officer, victim belongs to West Bengal and delayed FIR is registered as accused No.2 & 3 were parents of victim. Victim alone had come to register the FIR. Accused No.1 was frequently visiting house of victim. Accused may threaten the victim.
7. Victim submitted that till today she receives threat calls therefore bail should not be granted.
8. Perused charge-sheet.
9. FIR is registered by victim. Accused No.2 is father while accused No.3 is mother of victim. It is alleged that accused No.1 used to visit house of victim as he was in illicit relationship with accused No.3. Accused No.1 was sexually molesting to victim since she was 14 old but she had not sufficient understanding.

10. It is further alleged that in the year 2022, accused No.1 committed forcible sexual intercourse with victim in presence of accused No.3. Accused No.1 was sending obscene messages, nude photos & porn videos on WhatsApp to victim. During investigation, mobile phone of victim & accused No.1 & 3 have been seized. Screenshots of WhatsApp chats which have been attached to charge-sheet shows that porn videos have been sent to victim by accused No.1.
11. It is further alleged that thereafter also accused No.1 committed forcible sexual intercourse with victim. As per victim, when accused No.1 was coming to her house, her parents namely accused No.2 & 3 were staying in the hall and accused No.2 & 3 were aware about the same but they did nothing. Victim had not made complaint about alleged sexual exploitation as she had fear that no one will believe in her agony.
12. If role of present accused is considered then she has abetted commission of offence with her own daughter. Punishment provided for abetment under POCSO Act is the same punishment which is provided for the main offence.
13. If nature of allegations against present accused are considered then allegations are serious in nature. Accused No.3 who is mother of a child has encouraged accused No.1 for committing sexual exploitation of her own daughter in his own house over substantial period. Thus, act of accused No.3 is very serious & insensitive.

14. No doubt. FIR is registered after delay but reason given by victim for that delay is considered then it is quite natural that a child will not complaint about sexual exploitation when her own parents are instigating and doing nothing for the same. In present scenario, if reason given by victim for delayed registration of FIR is considered then same is reasonable.
15. If relationship of accused No.3 with victim and her acts are considered then present offence becomes more serious & heinous. Considering nature & gravity of offence as well as relationship of present accused with victim, I am not inclined to grant bail to present accused. As a result, I pass following order.

**ORDER**

Application is rejected.

(Application is disposed of accordingly)

Panvel

Date: - 02/12/2025

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