



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

SPECIAL CASE NO.207/2025

The State of Maharashtra --- Prosecution

Vs.

Lakhan Sunil Waghela --- Accused

Corum - Santosh C. Shinde

Date - 07th February 2026

Appearance-

Ld. advocate Mr. Ankit Bangera for the accused.

Ld. Spl. P. P for the State of Maharashtra absent.

Order Below Exh.5

1. Heard Ld. advocate Mr. Ankit Bangera for the accused. Ld. Spl. P. P for the State is absent for the argument.
2. Application is filed by accused for granting regular bail.
3. Notice was issued to victim & State of Maharashtra. Say is filed at exh.6 and application is strongly objected.
4. Ld. advocate for accused submitted that accused was under influence of alcohol. Maximum punishment for the offence is up to 5 years. Now, charge-sheet is filed. Accused is behind bars for last 6 months. His further custody is not required.

5. Perused charge-sheet & record.
6. In present case, accused is facing charges for offence punishable u/s.74 of the BNS, 2023 & u/s.8 of the POCSO Act, 2012. FIR is registered by victim who is school going student. FIR shows that on 12th August 2025 victim was travelling in the bus. Accused was also travelling in the same bus. It is alleged that accused while travelling with bad intentions inappropriately touched victim & other girls therefore, bus was taken in the police station and FIR is lodged.
7. Record shows that accused was arrested on the same day. As per Ld. advocate for accused, when travelling, accused was under influence of alcohol. If charge-sheet is perused then no medical report of accused was found on record which will show that accused was under influence of alcohol. Even if it is accepted that accused was under influence of alcohol then that does not mean that he can inappropriately touch the women.
8. If sections invoked against accused are considered then punishment is not more than 5 years. Accused was arrested on 12th August 2025 and since then he is behind bars. Now, charge-sheet is filed. No recovery or discovery is pending. Bail is rule and jail is exception. Object of bail cannot be ignored. Bail cannot be withheld as punishment.
9. It will take time to commence & conclude the trial therefore it would not be proper to keep accused behind bars for indefinite period otherwise it will amount to pre-trial conviction. Accused can be released on bail by imposing certain conditions. As a result, I pass the following order.

ORDER

1. Application is allowed.
2. Accused Lakhan Sunil Waghela be released on furnishing P.B & S.B of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties in like amount in crime No.261/2025 registered at Khalapur Police Station, Tal- Khalapur, Dist- Raigad for offences punishable u/s.74 of the BNS, 2023 & u/s.8 of the POCSO Act, 2012, if he is not required in any other offence.
3. Accused by any mode of communication shall not contact to victim or her family members and he shall not enter the area where victim & her family members ordinarily reside or works for gain.
4. Accused, in future, shall not commit offence of similar nature.
5. 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.
6. Accused shall not leave India without previous permission of the Trial Court.
7. Accused shall furnish his permanent & temporary residential proof, valid e-mail ID and mobile number.

8. Breach of any condition shall be ground for cancellation of bail.
9. Registry is directed to inform accused about this order by e-mail.

(Application is disposed of accordingly)

Sd/-

Panvel
Date - 07/02/2026

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