



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

SPECIAL CASE NO.394/2020

The State of Maharashtra

--- Prosecution

Vs.

Ashokkumar Baliram Yadav

--- Accused

Corum - Santosh C. Shinde

Date – 25th March 2026

Appearance-

Ld. advocate Mr. Dipesh Patil for accused

Ld. Spl. P. P. for the State is absent

Order below exh.8

1. Heard Ld. advocate Mr. Dipesh Patil for the accused & Ld. Spl. P. P absent for argument.
2. Notice was issued by my Ld. Predecessor to prosecution, victim & investigation officer. Say was not filed therefore, application proceeded without say.
3. Perused record.
4. FIR is registered by father of victim. FIR shows that when incident occurred victim was 6 years old. On 22nd September 2019 victim had gone in open place for toilet and at about 7:15 AM she came in frightened condition therefore,

informant & his wife asked the reason behind it. Then she showed finger towards her private part & cried loudly. Then both of them brought her to the place where she had gone for toilet. There she told them that one person has committed forcible sexual intercourse with her. Mother of victim inspected her vagina and noticed that blood was oozing from it. Thereafter, informant caught the accused and brought him before the victim.

5. FIR further shows that after looking at accused victim started crying and by gestures, she informed that accused has committed sexual intercourse. Then inquiry was made by parents of victim with accused and he accepted the guilt. Meantime people had gather there and in anger, they assaulted accused with fist blows. After sometime police reached and took the accused in custody. Victim was brought in the hospital for treatment and thereafter, FIR is registered.
6. Ld. advocate for accused submitted that false case is registered against the accused. Accused was arrested in the year 2019 and till date he is behind bars. It will take long period to conduct the trial and considering age of accused he be released on bail. Almost half of punishment is completed by accused and trial is not commenced till date therefore, accused be released on bail.
7. If allegations against the accused are considered then it is alleged that he committed penetrative sexual assault on victim aged 6 years. Accused was found on spot and

thereafter, he was handed over to the police. On same day, FIR is registered.

8. Medical report of victim shows evidence of fresh hymen tear and injury to labia major & minora suggestive of recent forcible penetration of female genital tract. Medical examination of accused shows evidence of fresh injury over frenulum of penis.
9. Victim in her statement recorded under 161 of the CrPC has stated about alleged incident and she knows the accused. In statement recorded u/s.164 of the CrPC victim has stated about penetrative sexual assault on her.
10. FSL report shows that two semen stains were found on underwear of victim, but DNA report is yet not produced by the prosecution to show that semen found on that object was of present accused.
11. Ld. advocate for accused has not clarified whether any previous bail application by accused was filed or not and if any such application was filed then what was its result. Record shows that accused was arrested on 22nd September 2019. So far as argument as to undergoing half of the punishment by accused is considered then there is no merit in that argument as accused is behind bars for more than 6 years which is not the half period prescribed punishment.
12. Charge-sheet was filed in the month of November 2019 and on 14th May 2025 charge was framed by my Ld. Predecessor. On 9th March 2026 prosecution has given list of witnesses.

From which it becomes clear that prosecution has shown lethargy in conducting the trial.

13. Speedy trial is fundamental right of accused and same cannot be overlooked in present case. Accused is behind bars for more than 6 years and till today not a single witness is examined or produced by the prosecution. No doubt, offence committed by the accused is heinous & serious in nature but if period of incarceration and non commencement of trial is considered then I am of the view that delay will amount to per-trial conviction if right of accused to speedy trial is not considered. By imposing certain conditions accused can be released on bail. As a result, I pass following order.

ORDER

1. Application is allowed.
2. Accused Ashokkumar Baliram Yadav be released on bail on furnishing P.B. & S.B. of Rs.30,000/- (Rupees Thirty Thousand) with one or two sureties in like amount in crime No.167/2019 registered at Taloja Police Station, Navi Mumbai for offences punishable u/s.376AB of the IPC & u/s.4, 5(m) & 6 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 resides or works for gain.

4. Accused shall attend the trial regularly.
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 and circumstances of the case so as to dissuade him from disclosing such facts from the police & the Court.
7. Accused shall furnish his temporary & permanent 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 on e-mail.

(Application is disposed of accordingly)

Panvel
Date:25/03/2026

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