

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

**Special (POCSO) Case No.465/2020)**  
**Order below Exh.6**  
**(CNR No.MHRG170018932020)**  
**State of Maharashtra V/s. Krishna Madhu Agiwale**

**(Passed on 27/01/2022)**

1] Applicant/accused-Krishna Madhu Agiwale has sought regular bail u/sec.439 of Cr.P.C. of the offences punishable u/secs.376(2)(f)(n), 323, 504, 506 of Indian Penal Code and sec.6 of POCSO Act in crime No.02/2020, of Police Station, Matheran.

2] Perused application, say and record.

3] Allegations levelled against present applicant/accused are, he committed rape frequently on the victim, who is his step-daughter by giving threat to kill and used to beat her.

4] Ld. Advocate for applicant/accused submitted that, earlier bail application of present applicant/accused was rejected on 25/08/2020. He is languishing behind bar without commencing of trial. Near about one and half year

have been passed, but prosecution did not commence his trial and it is not just and proper to keep this accused behind bar for uncertain period. Considering the further inordinate delay for commencing trial, he is entitled for regular bail.

5] Ld.A.P.P. Shri.Bhopi appeared and strongly objected his bail application. He submitted that, on perusing record, it appears that, it is the fit case for conviction. Considering the relation with victim, there is strong possibility to tampering with her. No change in circumstances shown by this accused after rejecting his first bail application. Prosecution is ready to commence its trial earlier. Hence prayed for rejection of his bail.

6] I have gone through record and found, on 25/08/2020, his earlier bail application was rejected by this court by giving detail explanation. Record shows, at the time of incident, victim was aged about 16 years old. Present accused is step-father of victim and as per her statement, he was sexually assaulted her various times by giving threat to kill. He used to tie her hands and legs and stuff handkerchief in her mouth while committing this ill act. It shows, his inhuman conduct against the victim. She also stated that, once he came to the house of her aunt at Matheran and given threat. It amounts the tampering with victim and other witnesses.

7] Medical report clearly shows that, the hymen of victim was ruptured. In the whole record, it did not see that, any other person involved in the commission of this offence, therefore it is the only accused against whom all these evidence speaks. Needless to say that, this accused is behind bar since 2 years, but considering his heinous conduct with his own step-daughter and the possibility for tampering and repetition of same kind of offence as it is expected that, after releasing on bail he may stay with victim and her mother under one roof, hence, I do not find any justifiable reason coupled with the change in circumstances to release this accused on regular bail.

8] If prosecution and Ld.Adv. for applicant/accused shown their readiness to dispose of this matter earlier then, this court also try to conclude this matter as early as possible. Hence, I pass following order.

**ORDER**

Regular Bail Application (Exh.6) is hereby rejected.

Panvel  
Date :- 27/01/2022

(Madhuri Anand)  
Addl. Sessions Judge,  
Panvel-Raigad

Dictation started on : 11.00 a.m.  
Dictation concluded on : 11.20 a.m

Note :- Argument of both parties heard on 25/01/2022  
and kept for order on 27/01/2022 and order  
passed on same day.

**CERTIFICATE**

I affirm that the contents of this PDF file order  
are same, word to word, as per the original order.

Name of stenographer	P.S.Mhatre
Name of Court	District Judge-2, Panvel-Raigad
Date of Dictation	27/01/2022
Order signed by the P.O on	27/01/2022
Order uploaded on	31/01/2022