



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

SPECIAL CASE NO.171/2024

The State of Maharashtra

--- Prosecution

Vs.

Naresh Kumar Patil

--- Accused

Corum - Santosh C. Shinde

Date – 2nd December 2025

Appearance-

Ld. advocate Mr. Indrajeet Bhosale for accused

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

Order below exh.3

1. Heard Ld. advocate Mr. Indrajeet Bhosale for applicant & Ld. Spl. P. P Smt. Thalkar for the State.
2. Application is filed for regular bail.
3. Notice was issued State of Maharashtra. Say is not filed. Hence application is proceeded.
4. Perused charge-sheet.
5. FIR is registered by father of victim. Informant along with his family including victim was residing on address mentioned in the FIR. On 28th August 2024 when he, victim & other

family members had gone asleep, at about 4:00 AM victim was not found in the house therefore, her search was taken. Her cell phone was switched off. After search victim was not found therefore, FIR was registered against unknown person for kidnapping. Thereafter, victim was found with accused.

6. Ld. advocate for accused submitted that victim had left her house at her own. There are no symptoms of physical harm. It was love consensual relationship. There is no allegation about sexual assault. Victim is influenced by family members. Charge-sheet is filed. Investigation is completed. Further custody is not required. Accused is ready to abide by any condition.
7. Ld. Spl. P. P submitted that accused may tamper the evidence of prosecution therefore, before releasing accused on bail stringent conditions be imposed on him.
8. If nature of allegations against accused are considered then it is alleged that he had taken victim that with him without consent of her parents and then committed penetrative sexual assault on her. Age of victim is 17 years old. In statement, victim has stated that she at her own had gone with accused and both have performed marriage in one temple. For two days she resided with accused in that temple. If statement of victim & her age is considered then it shows that she has sufficient understanding and she knows imports of her acts.

9. As per, prosecution accused has antecedents and one offence of rape was pending against him. Victim in her statement has also stated that two cases against accused were pending but he had not disclosed that fact to her.
10. Ld. advocate for accused has placed on record judgment of rape case in which present accused is shown as accused. In that case name of accused is Narsimha Kumar Shiranam while in present case name of accused is Naresh Kumar Patil. Letter dt. 27th September 2024 bearing outward No.266 of 2024 addressed to Panvel City Police Station by Kalamboli Police Station shows that Narsimha Kumar Shiranam & Naresh Kumar Patil is the same person therefore, it becomes clear that case which is alleged to be shown as pending against accused with regard to rape is disposed of.
11. In present case accused was arrested on 10th September 2024 and since then he is behind bars. Now, charge-sheet is filed. Investigation is completed. 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.
12. Considering pendency of cases before this Court, 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 Naresh Kumar Patil be released on bail on furnishing P.B. & S.B. of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in like amount in crime No.314/2024 registered at Kalamboli Police Station, Navi Mumbai for offences punishable u/s.137(2), 64(1), 64(2)(m) of the IPC & u/s.4, & 6 of the POCSO Act, 2012, if he is not required in any other offence.
3. Applicant 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:02/12/2025

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