

SPECIAL CASE NO. 08-2026

CNR No. MHRT010002902026

The State

Prosecution

Versus

Eqbal @ Munna Adam Mhaskar

Accused

Order Below Exh. 9

(Dated 16.06.2026)

1. This application has filed by applicant/accused Eqbal @ Munna Adam Mhaskar under Section 483 of B.N.S.S. for grant of regular bail in Crime No. 69/2026 of Ratnagiri City police station; for the offences punishable under Sections 65(2), 62, 76 of B.N.S. and 9(m), 10, 5(m), 6, 18 of POCSO Act.

2. Perused the application and say. Heard respective counsels.

3. Ld. Counsel for the applicant/accused submitted that there are allegations against the applicant/accused that he had allegedly committed attempt of committing penetrative sexual assault of minor victim which may amount sexual assault on her. However, in fact there is two months delay in lodging FIR which shows that it is false and by after thought. The child has not disclosed any such incident to her either parents. However, the same was alleged disclosed to the grand-mother. Both the witnesses in

whose presence the incident was allegedly disclosed are having enimical terms with the accused/applicant. They had instigated the informant for lodging FIR. The informant is grand-mother of the victim. The instigator is the landlady of the mother of the victim. The son of alleged instigator Naziya is also facing allegations of commission of offence under the POCSO Act. Said instigator is under impression that said prosecution was due to instigation of the present applicant and his family members. Therefore, she has instigated the informant for lodging false FIR. Therefore, the entire incident is false.

4. In fact there was relationship between the grand-mother of the victim i.e. first informant and the accused. When the accused stopped paying money to her this false implication has occurred. The prescribed punishment is not more than seven years. That even otherwise the investigation has completed and charge-sheet has filed. Therefore, there is no need of further custody of the applicant/accused. Hence, he may be enlarged on bail.

5. In support of his argument Id. Counsel for the accused relied upon following citations.

1) ***Raj Kumar Kanchhedichal Raikwar Vs. State of Maharashtra and others, reported in 2021 DGLS(Bom.) 2664.***

- 2) *Indrajitsingh Jogasingh Zagade Vs. State of Maharashtra, reported in 2020 DGLS(Bom.) 1518.*
- 3) *Beerbal Prasad Rajoriya Vs. State of Madhya Pradesh, reported in 2022 DGLS(SC) 1127.*
- 4) *Shijam Vs. State of Kerala, reported in LAWS(KER)-2022-6-1.*
- 5) *Jafer Ali Vs. State of Kerala, reported in LAWS(KER)-2023-9-47.*

6. Ld. Special P.P. Shri. A. A. Fansekar submitted that there are serious allegations against the accused. There is eye witness to the incident. Considering the social background of the informant and the victim the alleged delay can not be said to be fatal to the prosecution.

7. There is an attempt of penetrative sexual assault on minor victim. Therefore, Section 6 of the POCSO Act would be applicable. The statement of the witnesses under Section 164 of Cr.P.C. are supporting the prosecution case. That the accused and the victim are residing in closed vicinity. Therefore, there is every likelihood of pressurizing the witnesses and tampering with the evidence. Hence, the application may be rejected.

8. In the present case no doubt there are serious allegations against the accused. At the same

time, there are some arguable points like approximately two months delay in lodging FIR, statement of mother of victim indicating ignorance about the allegations.

9. No doubt, the delay may not be fatal in such cases wherein the honour of girl is at stake. However, at the same time, it is necessary to consider that the investigation has already completed and charge-sheet has filed. The purpose of custody of the accused had already accomplished. Now, no purpose of prosecution is going to be served in keeping the applicant/accused behind the bars any further. Rather it may amount to punishment to the accused before conclusion of the trial. No doubt, the possibility of pressurizing the witnesses could not be ruled out considering the submission of residence of same locality. However, the same can be taken care of by directing the applicant/accused to not to enter the limits of Ratnagiri city at least till examination of the material witnesses.

10. On this point reliance can be placed in the decision in the case of **Manoj Pralhad Sonawane V/s. The State of Maharashtra in Criminal Application No.2041/2007**. The Hon'ble High Court has granted bail to the accused by directing that he should not enter the jurisdiction of Sessions Court, Kalyan till

completion of trial except for attending the court on the particular date of trial so that the apprehension of tampering with the evidence can be ruled out. Hence, I pass following order.

ORDER

1. The application Exh. 9 is hereby allowed.
2. Applicant- Eqbal @ Munna Adam Mhaskar be enlarged on P.R. bond of Rs.1,00,000/- (Rupees One Lakh Only) with one or two solvent sureties in the like amount, in connection with Crime No. 69/2026 of Ratnagiri City police station; for the offences punishable under Sections 65(2), 62, 76 of B.N.S. and 9(m), 10, 5(m), 6, 18 of POCSO Act on following conditions.
 - a) He shall not enter within the jurisdiction of Ratnagiri City, Tal. Dist. Ratnagiri atleast till examination of the material witnesses.
 - b) The applicant shall undertake to furnish his address where he proposes to stay after he is enlarged on bail, to the Investigating Officer within one week from today. The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer. The police officer shall be free to randomly check the presence of the applicant even in the midnight during night patrolling.
 - c) He shall not tamper the prosecution evidence.

- d) He shall not commit any other or further offence.
 - e) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.
 - f) He shall remain present on each and every date before the court for facing trial.
 - g) He shall give documentary proof of his identification and permanent residence at the time of his furnishing surety.
 - h) He shall not leave India without previous permission of the Court.
3. Inform the concerned accordingly.

Date :- 16.06.2026

(V. Y. Jadhav)
Judge, Special Court, Ratnagiri.