

**SPECIAL CASE NO. 48-2025**  
**CNR No. MHRT010007992025**

The State

Prosecution

**Versus**

Mohasin Dastagir Nadaf

Accused

**Order Below Exh. 12**  
(Dated 17.03.2026)

1. This application has filed by applicant/accused Mohasin Dastagir Nadaf under Section 483 of B.N.S.S. for grant of regular bail in Crime No. 394/2025 of Ratnagiri City police station; for the offences punishable under Sections 64(2)(i), 75(2), 78(2), 329(4), 332(a), 351(3), 352 of B.N.S., under Section 4, 6, 8, 12 of POCSO Act and under Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

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

3. Ld. Counsel for the applicant/accused submitted that as per contentions in the FIR the applicant and the informant got acquainted with each other on 01.01.2024 on social media. They met each other in July 2024. However, in October 2024 they stopped contacting each other.

4. It has further alleged that the accused come to the house of informant on 10.05.2025 when she was alone there. That he had committed forceful sexual intercourse with the minor victim at her home. The allegations show that they were in contact with each other for near about 2 years. They were having love affair.

5. There is no material showing that they had disconnected the contacts on instagram or otherwise. There is no material about any such contact as well. It has mentioned that the victim herself told the accused that she was alone at the house. Therefore, there is possibility that she might have called the accused at her home.

6. He further submitted that, there is no disclosure till the sonography. Therefore, there is considerable delay in lodging FIR. Though there are allegations under the provisions of SC & ST Prevention of Atrocities Act, there is love affair. Therefore, there is no question of consideration of caste of each other.

7. Even otherwise the applicant is in custody for 5½ months. The investigation has completed. The DNA samples have obtained. Now there is no need of custody of the applicant for investigation purpose. His parents are old. His father is physical disabled person.

8. So far as the pendency of other case is concern, the possibility of false implication can not be ruled out. The allegations therein are as vague as possible. The same has no connection with the present case. Hence, the applicant may be enlarged on bail on appropriate conditions.

9. Ld. SPP for the State submitted that the allegations are serious. It is not a case that there was some consensual relations. They have broken their ties in October 2024 itself. The incident of sexual assault had occurred in May 2025. At that time as well the accused had threatened the victim. There are allegations of harassing some other girl as well. Special Case No. 36/2025 is pending in that regard. The DNA analysis has indicated the involvement of the applicant. In such circumstances, the applicant is not entitled for bail considering the possibility of tampering with the evidence and pressurizing the witnesses.

10. He has also relied upon decision in the case of Somanth Bhivaji Gaikawad Vs. The State of Maharashtra & Anr., in Criminal Bail Application No. 1443 of 2023. Especially para No. 16 thereof which reads thus,

*“16.Thus, it is evident that mere delay in the trial pertaining to grave offence, by itself*

*cannot be a ground to enlarge an accused on bail, de hors the facts. As noted herein above, this is a case of gang rape. When the incident took place, the victim was 15 years and 5 months old. Therefore, there is no case made out for grant of bail even on the ground of long incarceration.*

11. He also relied upon para 15 of X Vs. State of Uttar Pradesh, in Criminal Appeal No. 164 of 2026. Especially para No. 15 thereof which reads thus,

*“15. It is also important to point out that the victim resides in the same locality as Respondent No.2. The counselling report of the Child Welfare Committee records that the victim is under fear and psychological distress. The post-release presence of Respondent No.2 gives rise to a real and imminent apprehension of intimidation and further trauma to the victim. In offences involving sexual assault against children, the likelihood of tampering with evidence or influencing witnesses constitutes a grave and legitimate concern. The safety of victim and the need to preserve the purity of the trial process assume paramount importance. In State of Bihar Vs. Rajballav Prasad @ Rajballav Pd. Yadav @ Rajballabh Yadav, this*

*Court underscored that such factors must weigh decisively while considering bail in serious sexual offences. The following paragraphs are apposite.”*

12. In the present case there are serious allegations of committing penetrative sexual assault on the victim by threatening her. As per prosecution case the accused and the victim have been separated in October 2024 itself. Therefore, the possibility of consensual relationship is bleak. Even otherwise, the victim is minor and her consent is immaterial. The pendency of other case of similar nature of harassing the minor victim is though could not considered as antecedent, however, it indicates about presumption under POCSO Act. Therefore, the further possibility of pressurizing her could not be ruled out. The prosecution has rightly pointed out that in say filed by the victim at Exh. 18 she had expressed such apprehension of pressurizing her.

13. The DNA report are prima-facie indicating his involvement. In such circumstances, when there is possibility of pressurizing the witnesses the applicant can not be enlarged on bail. Considering the observations in the case of Somnath Gaikwad supra. Hence, I pass following order.

**ORDER**

1. The application is hereby rejected.
2. Inform the concerned accordingly.

Date :- 17.03.2026

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