

MHRT040002052026



ORDER BELOW EXH.1 IN CRIMINAL BAIL APPLICATION
NO.42/2026

Sandesh Suresh Joshi Applicant/
Accused

Vs.

State of Maharashtra Respondent
(Dapoli Police station)

1. The present application is filed by the applicant (Accused) under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking bail in Crime No. 80/2026 registered at Dapoli Police Station for the offences punishable under sections 64(2)(f), 64(2)(i), 64(2)(m), 351(3) of Bhartiya Nyaya Sanhita, 2023 and u/s 4,6,8,10 of The Protection of Children From Sexual offences Act.

2. It reveals from FIR that on 20.12.2025, at about 4:00 p.m., the accused visited the victim's house and called her to his residence. The victim accordingly went to his house. While they were conversing, the accused approached her. When the victim resisted and reminded him that he was her cousin, the accused allegedly gagged her by pressing her mouth and committed forcible sexual intercourse against her will. He further threatened to defame her and kill her as well as her family members if she disclosed the incident to anyone. The FIR further discloses that the accused allegedly repeated the act on 27.12.2025. Subsequently, the victim missed her menstrual

periods and visited the Primary Health Centre at Anjarle for medical examination. During the examination, the doctor informed her that she was pregnant. Thereafter, the victim disclosed the incidents and the involvement of the accused to her parents. Consequently, the present FIR came to be lodged against the accused.

3. The applicant submitted that he has been in custody since 01.05.2026 and has not committed the alleged offences. The age of informant is 17 years 10 months, All allegations are false and frivolous. The offence registered is false and frivolous and filed due to pressure of some persons. The applicant was making report against bad work of some political leaders and was doing work favourable to society. Hence under pressure of some political leaders this false complaint is filed against him. The applicant has to take responsibility of his whole family including his grandfather, grandmother, father, mother, wife and his only two months old child. He is sole earning member in the family. The accused was in police custody since 02.05.2026 to 04.05.2026. The accused has cooperated in investigation. Now his presence is not required in investigation. Hence his custodial interrogation is not required. The applicant is ready to abide himself by conditions imposed by this Court. He will not flee away from justice. If he remained in jail for more time, his family will suffer from starvation and his future will be badly affected. The applicant will not pressurize witnesses. He is ready to attend police station. His property is situated in his village. He has no criminal antecedents. The FIR is filed after delay of six months. Hence it is prayed to allow the application

4. The Investigating Officer and the Public Prosecutor filed say at Exh.4, opposed the bail application on the ground that the applicant has raped his cousin in spite of knowledge that she is minor and minor girl become pregnant. He has committed serious offence against minor girl and previously he has committed cognizable offence cr.no.51/2025. The accused and victim are close relatives and if accused is released on bail he may kill or sustain injury to victim by keeping grudge in his mind. The accused is hardened criminal and he may kill informant and victim. He may create pressure on informant and victim. He may pressurize witnesses. He may flee away from justice. He may not abide by conditions imposed by this Court. Hence it is prayed to reject the application.

5. The informant opposed application by filing say at Exhibit 5 and prayed to not to release the accused on bail. If accused came out of prison, he will kill her and her family. Hence, prayed to reject the application.

6. Perused the FIR and the documents placed on record. I have considered the say of prosecution (Exhibit 4), say of informant (Exhibit 5) and argument advanced by the learned Public Prosecutor, Investigating Officer, and the learned Advocate for the applicants.

7. The applicant relied upon *Nitin Damodar Dhaberao Vs. State of Maharashtra, Crim. Appln. (BA) No. 718 of 2023, decided on 05.01.2024* and *Ghanshaym Maruti Chougule Vs. State of Maharashtra, Crim. Bail Appln. No.3675 of 2024, decided on 06.02.2025*. The power to grant bail is a matter of judicial discretion to be exercised on the facts and circumstances of each case. Since no

two criminal cases are identical, the discretion of the Court must be applied having regard to the peculiar facts of the case at hand. Nevertheless, with due respect to the cited authorities, this Court has derived guidance from the principles enunciated therein while exercising such discretion.

8. The prosecution has not demonstrated any specific requirement for further custodial interrogation of the applicant; the chargesheet has been filed. The apprehension expressed by the prosecution that the applicant may abscond or evade the process of law can be taken care by imposing appropriate conditions. Even there is no material on record to indicate that the accused is likely to abscond, tamper with the prosecution evidence, influence witnesses, or otherwise obstruct the course of justice.

9. The liberty of an accused cannot be curtailed merely on apprehensions. The Court is required to balance the fundamental right to personal liberty with the interests of society and the need for a fair trial. In the facts of the present case, such balance can be achieved by imposing appropriate restrictions upon the applicants while enlarging them on bail.

10. Having regard to the nature of allegations, the period of detention of applicant, the stage of investigation i.e. Filing of chargesheet and his presence can be secured by imposing stringent conditions. Therefore, this Court is of the opinion that the applicant has made out a case for grant of bail. It is well settled that grant of bail is the rule and jail is an exception. At this stage, prolonged pre-trial detention of the applicant would not serve any useful purpose.

Appropriate and stringent conditions can adequately safeguard the interest of the prosecution. Hence following order:

ORDER

1. The criminal bail application is allowed.
2. The Applicant/Accused Sandesh Suresh Joshi in connection with Crime No. 80/2026 registered with Dapoli Police Station for the offences punishable under Sections 64(2)(f), 64(2)(i), 64(2)(m), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and under sections 4, 6, 8, 10 of The Protection of Children From Sexual Offences Act shall be released on bail on executing a Personal Recognizance Bond (P.R. Bond) in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount by applicant subject to the following conditions:
 - (a) The Applicant shall not directly or indirectly make any inducement, threat, promise or attempt to influence any witness or any person acquainted with the facts of the case and shall not tamper with the prosecution evidence in any manner whatsoever.
 - (b) The Applicant shall not establish any contact with the prosecutrix and shall move himself along with the family from the area when the prosecutrix is residing and shall not enter in no way make any attempt to establish contact with him, either physically or virtually.
 - (c) The Applicant shall furnish his permanent residential address, mobile number, e-mail address (if any), and copies of identity and address proof to the Investigating

Officer and shall keep the Investigating Officer informed of any change therein.

(d) The Applicant shall not commit any offence similar to the offence of which he is accused or suspected during the pendency of the investigation or trial.

(e) The Applicant shall not leave India without prior permission of the Court.

(f) The Applicant shall regularly attend the Court proceedings as and when directed by the Court.

3. In the event of breach of any of the aforesaid conditions, the prosecution shall be at liberty to move for cancellation of bail in accordance with law.
4. The observations made while deciding this application are prima facie in nature and will not affects merits of the trial.
5. The concerned Jail Authority and Police Station be informed accordingly.
6. Humdast allowed, if prayed, at the risk and cost of applicant.

Khed.
Date-25/06/2026.

sd/-
(V. G. Patil)
I/c.Addl. Sessions Judge, Khed.

CERTIFICATE

I affirm that, contents of this P.D.F.file Judgment/order are same, word to word, as per the original Judgment /order.

Name of the Stenographer	S.K.Inamdar, Grade - II
Name of the Court	District Judge-1 & Addl. Sessions Judge, Khed, Dist. Ratnagiri.
Date of Pronouncement	25.06.2026
Judgment/order Signed On	25.06.2026
Judgment/order Uploaded On	25.06.2026