

MHRT130000612026

**ORDER BELOW EXH.1 IN REGULAR BAIL APPLN. 07/2026**(Passed on 06.04.2026)

1. Read application. Perused say given by Investigating Officer vide Exh.5 which is adopted by Ld.APP & also perused say given by the victim vide Exh.6. Heard Ld. Counsel of accused and Ld.APP for the State. On going through the record it reveals that the present application is moved by the applicant/accused under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with CR No.02/2026 registered with Guhagar Police Station for the offences under sections 64(1), 351(2) of Bharatiya Nyaya Sanhita 2023 and under sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act 2012, and under sections 67(a) & 67(b) of the Information Technology Act, against him.

2. It is submitted on behalf of the applicant/accused that he has no concern with alleged offence and falsely implicated in this case. According to the applicant/accused, he has not committed the offence as alleged. He is 26 years young person and has no previous criminal antecedents. He is permanent resident of Guhagar Taluka therefore no question of his absconding arise. In such circumstances if he is not released on bail his family will face lot of problems. It is further submitted that he is ready to cooperate police machinery during the investigation and ready to abide the conditions imposed by this Court. On all these grounds the applicant/accused prayed for allowing application.

3. The application is strongly objected by Ld.APP by way of adopting the say given by Investigating Officer below Exh.5. According to the Ld. APP, the applicant/accused has committed sexual harassment of the victim and threatened to make viral obscene photos of the victim on social sights. After commission of the offence the applicant/accused was absconding till 15.02.2026 however he has been arrested from Mulund Mumbai. There is a prima facie involvement of applicant/accused in the commission of an offence. It is further submitted that the victim is studying in 11th standard and in such situation if he released on bail then there is possibility of pressurizing the victim and her family members cannot be ruled out. Similarly he may abscond and there is possibility of tampering the prosecution evidence on the part of applicant/accused. Therefore, considering the nature & gravity of the offence the Ld. APP prayed for rejection of the application.

4. It is seen from the record that considering the nature of offence, the say of victim has been called vide Exh.6. It is submitted by the victim that the applicant/accused is her friend and by getting disadvantage of friendship he tried to keep relations with her, however she refused to do so. Similarly the applicant/accused has used the mobile phone of victim and viral her photographs on social sights which were snapped by him, therefore she lodged the complaint against him. If applicant/accused released on bail then there is danger to her life as well as her family members therefore she prayed for rejection of bail application.

5. In view of submission of both parties following points arise for my determination and I have recorded my findings

thereon for the reasons stated below.

	POINTS	FINDINGS
1.	Whether applicant/accused is entitled for bail as sought for?	In the affirmative
2.	What order?	As per final order.

REASONS

AS TO POINT NOS.1 AND 2

6. Having regard to the arguments advanced by the Ld. Counsel of both parties and taking into consideration the facts & circumstances of the case it appears that the police of Guhagar Police Station registered the CR No.02/2026 for the offences under sections 64(1), 351(2) of Bharatiya Nyaya Sanhita 2023 and under sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act 2012, and under sections 67(a) & 67(b) of the Information Technology Act, against him. On time to time the applicant/accused remanded into PCR and then taken into judicial custody on 18.02.2026. The Ld. Counsel of applicant/accused brought to the notice of this court that the applicant/accused and the victim are having love affair. The Ld. Counsel of the applicant/accused has pointed out that the victim herself admitted in her say that applicant/accused has taken her mobile and threatened to make viral her photographs which were snapped by him and the said fact itself clear the relation between the applicant/accused & the victim. It has also pointed out that the applicant/accused is in jail since one and half month and he is only earning member of his family. He is ready to cooperate the police machinery during investigation. Similarly the applicant/accused resident of Guhagar Taluka therefore he will not abscond and tamper

the prosecution evidence. Therefore, the applicant/accused is entitled for bail.

7. In the light of above discussion and considering the relevant documents as well as circumstances on record at this juncture I would like to take recourse of observation of Hon'ble Supreme Court in case of Maulana Mohammad Amir Rashdi Vs. State of U.P. and another reported in 2012 DGLS (Supreme Court) 35 in which it is observed that,

“Principles qua grant or refusal of the bail application. The Court has to see relevant factors including criminal antecedents and nature and gravity of the offence. The Court is duty bound to see the role of accused, his involvement in the case in which he has been charged and other circumstances, such as the possibility of fleeing away from the jurisdiction of the Court if released on bail.”

8. In view of above preposition of law and considering the circumstances on record I found that while deciding the bail application the Court has to see the relevant factors including criminal antecedent and nature & gravity of offence. As such the Ld.APP could not brought on record previous criminal antecedents of the applicant/accused. On the contrary, it has brought to the notice of this Court that there was relation between applicant/accused more than friendship. So far as the issue of pressurizing the victim on the part of applicant/accused is concerned, it is necessary to impose some stringent conditions while releasing on bail. Similarly the applicant/accused is also ready to abide condition imposed by this Court if he is released on bail, therefore considering the attending circumstances on record I am inclined to allow the application and

proceed to pass following order.

ORDER

1. The bail application is allowed.
2. Applicant/accused Kiran Bhalchandra Tambitkar be released on bail in connection with CR No.02/2026 registered at Guhagar Police Station, on executing PR & SB of Rs.60,000/- (Rs. Sixty Thousands only) with one solvent surety in the like amount on following conditions ;
 - (a) He shall attend the concerned police station twice in a week on every Saturday & Sunday till filing of chargesheet.
 - (b) He shall not to tamper the evidence of prosecution and shall not pressurize the prosecution witnesses.
 - (c) He shall not to make any inducement, threat or promise to the First Informant or any of the prosecution witnesses so as to dissuade him from disclosing any fact to the police officer or the Court.
 - (d) He shall not enter in the vicinity where the victim resides or taking education failing which bail granted to him shall automatically cancelled.
 - (e) He shall submit his contact number and permanent address to the Investigating Officer.
3. Inform concerned accordingly.

(Pronounced in Open Court.)

Chiplun.
Date: 06.04.2026

(Dr.Anita S. Newase)
Judge, Special Court, Chiplun.

Certificate

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

Case No.	Criminal Bail Appln.No.07/2026
Name of Court	Additional Sessions Judge, Chiplun
Name of Grade I Stenographer	Mr. Sandeep S. Patil
Dictation on computer by P.O.on	06.04.2026
Order signed by P.O.on	06.04.2026
Order uploaded on	06.04.2026