

ORDER BELOW Exh.8 IN SPECIAL CASE NO.47/2025
(State of Maharashtra vs. Sachin Ramchandra Yadav & Anr.)
(CNR No.MHSN170007302025)

1. Perused the application, the say filed by the Investigating Officer (Exh.10) and the say of the informant (Exh.11) and documents. Heard Ld. Counsel Shri. U. K. Bavchikar for the accused and Ld. APP Shri.A.N. Kulkarni on the point of regular bail to accused Sachin Ramchandra Yadav involved in crime No.81/2025 under sections 64(2), 64(2)(f), 64(2)(j), 64(2)(m), 65(2), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and sections 4(2), 5(l), 5(m), 5(n), 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012, registered at Palus Police Station.

2. It is case of the prosecution that the informant is mother of the victim girl having age of 10 years, 8 months and 14 days. The accused is father of the victim. The informant, the victim, her husband, father-in-law, mother-in-law and son are residing together. The accused is doing labour work. The victim is taking education in 5th Std. in a school at Palus. On 23.03.2025, the informant along with the victim had gone to her parental home in Pune district. The victim was having yearly exam during 01.04.2025 to 19.04.2025. Therefore, the accused had taken back the victim to Palus. When the informant returned to Palus on 01.05.2025, she did not find the victim in the house. The informant met the victim by going to the house of her sister-in-law on 02.05.2025. At that time, the victim told her that she should not be taken to the house and she felt fear of her father. When the

informant insisted for returning to home and inquired her, she told her that the accused had established physical relations with her by taking her away during night hours when she had slept with her grandmother. According to the victim, the accused again established physical relations at about 08.00 p.m. and threatened her not to go anywhere. She also stated about two instances of her sexual exploitation by her father during night time. On the basis of this report lodged by the informant, offence came to be registered against the accused. During investigation, the victim is medically examined. Documents relating to age proof of the victim i.e. bona fide certificate and birth certificate are collected. Statement of the victim and the informant under section 183 of the BNSS are recorded before Ld. JMFC, Palus. The accused came to be arrested on 21.05.2025. Statements of the witnesses are recorded. At the end of investigation, charge-sheet is filed in the Court.

3. The accused has sought bail on the grounds that he is falsely implicated merely on words of the informant. This is case of misunderstanding. He is father of the victim. There is no other eye witness of the incident. At the relevant time, the accused had only shouted to the victim because she was not doing household work. The victim might have disclosed false particulars to the informant. Alleged incident took place on 19.04.2025. The informant came to know about the same on 03.05.2025. Offence is registered on 21.05.2025. There is inordinate delay in lodging the report. FIR is fabricated and concocted. Nothing has remained to be recovered from the accused. There is nothing in medical papers against the

accused except history narrated by the informant. Symptoms mentioned in medical papers are possible in day to day routine of a girl. The victim had already come to the house of her father on 20.04.2025 and she was playing. By pointing out these details and by giving assurance to abide by conditions imposed by the Court, it is prayed to allow the bail application.

4. Ld. Counsel Shri. U. K. Bavchikar for the accused advanced arguments on the lines of contents in bail application. He further submitted that blood samples are not analyzed. He referred history in medical papers and stated that dates of incident are mentioned as 19.05.2025 and 20.05.2025. According to him, these dates are showing that incident had occurred after about one month from the date mentioned in FIR. He further submitted that the accused is in custody since 31.05.2025. Nail scratching over back is mentioned in medical papers, but age, colour, etc. is not mentioned. It is not clear whether nail scratching is in recent past or old one. He further submitted that there are a lot of differences and inconsistencies in statements of the victim and her mother recorded under section 183 of the BNSS and also recorded by the police. Had the incident taken place during presence of all family members during night hours in one room, the victim might have raised alarm and other family members could have got knowledge of the incident. Prosecution has completed investigation and filed charge-sheet. The informant has given no objection to grant bail in her say (Exh.11). He suspected genuineness of the prosecution case. After giving stress upon delay in lodging FIR, variances or

defects in prosecution case and improbable prosecution version, he prayed for bail to the accused.

5. On the contrary, Ld. APP Shri. A.N. Kulkarni for the Stated opposed bail application. He submitted that offence is serious in nature. The victim has age of 10 years 8 months and 14 days. She is studying in 5th Std. The accused is father of the victim. The victim was not willing to accompany the accused. Nobody was in the house. Mother of the victim had gone to her parental house. Therefore, delay is caused in lodging report. Strong evidence is available against the accused. Statement under section 183 of the BNSS of the victim is recorded. He also referred medical evidence on record and submitted that there are signs of physical injuries on the body of the victim, however vaginal or oral penetration cannot be ruled out. By pointing out these aspects on record and evidence regarding age of the victim i.e. bona fide certificate and birth certificate, he submitted that bail to the accused is going to affect trial adversely because he is family member of the victim and the informant. He prayed for rejection of the bail application.

6. Considering rival submissions and material on record, it is clear from bona fide certificate and birth certificate of the victim that she is having age of 10 years 8 months and 14 days as mentioned in the FIR. The informant along with the victim had gone to her parental house in Pune district. The victim was fetched back to Palus by her father for attending yearly exams of 5th Std. The victim had slept with her grandmother in the house. Other

family members were also said to be present in the house. The accused being father had picked up the victim and taken away her and he had established physical relations with her by removing her clothes and he had made her to remain silent. All these details are not only mentioned in the report and police statement of the informant and the victim but also in their statements under section 183 of the BNSS. In addition to it, medical evidence shows that possibility of penetrating sexual assault in the vagina or mouth cannot be ruled out. Furthermore, the victim is having nail scratch marks on her back. The victim has made complaint of abdominal pain, breast pain and back pain. If these details in medical papers are considered, prosecution case is not solely based on version of the informant and the victim. Ld. Counsel Shri. U. K. Bavchikar has attempted to suspect genuineness of the prosecution case by highlighting dates mentioned in history in medical papers. Dates of incident are mentioned as 19.05.2025 and 20.05.2025 in medical papers. FIR is lodged on 21.05.2025. If statement of the victim is perused, she has not stated specific dates of the incident. Furthermore, the informant is said to have learnt about incident on 03.05.2025. These variances appearing in prosecution case can be addressed at appropriate stage. The victim is having tender age. Furthermore, she is daughter of the accused. The informant (wife of the accused and mother of the victim) has given no objection to grant bail to the accused. While giving no objection, she has not resiled from her version in FIR and statement under section 183 of the BNSS. In such circumstances, bail cannot be granted merely because the informant is giving no objection to grant bail. There

are chances of misuse of liberty by tampering the prosecution witnesses who are family members of the accused. Considering gravity of offence, age of the victim, allegations made against the accused (i.e. father of the victim and husband of the informant), available evidence and recitals in statements under section 183 of the BNSS, application deserves to be rejected. Hence, I pass the following order :-

: ORDER :

1. Application Exh.8 in Special Case No.47/2025 is rejected.
2. Application Exh.8 in Special Case No.47/2025 is disposed of accordingly.

Vita
Dt.24.09.2025

(R.R. Bhagwat)
Additional Sessions Judge, Vita

CERTIFICATE

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

Name of Stenographer	:	H.G. Sutar (Steno Grade-I)
Court	:	DJ-1 & Addl. Sessions Judge, Vita.
Date of order	:	24.09.2025
Signed by Presiding officer on	:	24.09.2025
Uploaded on	:	25.09.2025