



IN THE COURT OF SPECIAL JUDGE (POCSO) PANDHARPUR

Special Case (POCSO) No. 10/2024.

Order Below Exh. 9

CNR - MH50050003612024

State of Maharashtra ... Complainant
(THROUGH police station officer
Pandharpur City Police Station vide
CR No. 8/2024

Versus

Sunil Samadhan Maske ... Accused

Appearance

Mr. Nitin Shiram Ld. APP for the accused/applicant.

Mr. S. V. Wangikar Ld. APP for the respondent / state.

Mr. Anil Shiram Ld. Adv. for informant.

(ORAL ORDER)

(Dictated and pronounced in the open Court)

This is first bail application filed by the applicant/accused for grant of regular bail in connection with C.R.No. 8/2024 registered with Pandharpur City police station for the offences punishable under Sec. 376 (2)(n), 376(3), 376 of the Indian Penal Code, 1860 (IPC) and under sec. 4, 5(L)(2), 5(L), 6, 8, 10 and 12 of Protection of Children from Sexual Offences Act, 2012 (POCSO)

02. The applicant/accused submitted that he has not committed any crime. He is innocent and is falsely implicated in this case. There is no involvement of the applicant/accused in the said crime. He is permanent resident of Sanjay Nagar, Sangola. Nothing has been

recovered from him. He is only earning member of his family. Victim and applicant/accused was in love. Complainant was opposing to their love affair. Charge sheet is filed against the accused. The applicant/accused is ready to abide all the terms and conditions imposed by the Court. Lastly he prayed to release the accused on bail in connection with C.R.No. 8/2024 registered with Pandharpur city police station.

03. Learned APP submitted say at Exh. 10 and resisted the application on the ground that the offence is serious in nature. It is punishable up to imprisonment for life. During period of December 2022 to June 2023 the accused was in love with victim girl and repeatedly committed intercourse with her. Therefore, she became pregnant and gave birth to child. The investigation is completed. Charge sheet has been filed. Statement of victim under section 164 of Cr.P.C. is also recorded. If accused/applicant is released on bail, he will abscond and tamper prosecution witnesses and he will also commit similar type of offence. There was sufficient evidence against the applicant. Lastly, he prayed for rejection of application.

04. The I.O. also filed say and resisted application on the ground that, offence is serious in nature. Victim is minor girl. Age of victim is 15 years. There is possibility of repetition of crime if bail is granted to the accused/applicant. Lastly he prayed for rejection of application.

05. Informant appeared through advocate and filed affidavit at

Exh. 14. He submitted that, matter is settled between them and accused/applicant. She has no objection to grant bail to the accused/applicant.

06. Heard learned advocate Shri. Nitin Shiram for the applicant/accused and learned APP Shri. Wangikar for the state at length. I also heard Ld. Advocate for informant.

07. Perused contents of this application and say filed by APP and I.O. By this application, applicant/accused prayed for grant of regular bail. The learned A.P.P. /I.O. objected this application.

08. The accused/applicant prayed for grant of regular bail. I have gone through F.I.R. It is lodged against applicant/accused. As per FIR, incident occurred on 01.12.2022 to 05.06.2023. However FIR is lodged on 03.01.2024. Thus, there is delay in lodging the report. It is not explained in FIR. Investigation is completed. Charge sheet is filed against accused/applicant. During the the course of investigation, the investigating officer recorded the statement of victim and witnesses. The victim in her statement before I.O. admitted love relationship with the accused. She also stated about sexual intercourse with the accused. She has not stated about forceful act committed by the accused. Thus, from the statement of the victim reveals love affair between accused and victim.

09. It is further seen that the accused has not subjected to forceful sexual relationship with her out of lust. It is apparent that out of love affair, the victim joined company of present accused. It seems that the alleged incident of intercourse is out of attraction of young persons and it is not case that the accused has subjected victim for sexual assault out of lust.

10. Admittedly, charge-sheet has been filed against the accused. Trial takes its own time for final disposal. In view of that, further incarceration of accused is not required and no purpose will be served by keeping the accused in jail. The accused is permanent resident of Sangola. He is not having criminal antecedent. In addition to it, multiple decision of Hon'ble Supreme Court and Hon'ble High Court, have favoured the release of young offender of bail pending trial. The accused cannot be kept in jail for indefinite period. If the applicant/accused is kept in custody along with hurdle criminals, then his life will be spoiled. Therefore, I am of the view that the applicant/accused can be granted regular bail.

11. In present case, informant has no objection to grant bail to the accused/applicant. So also charge is framed against accused on 18.02.2025. Since then there is no progress in the matter. It will take time for hearing of the case. No purpose will be served by keeping accused behind bar for indefinite period.

12. Considering the above observations and facts delineated herein above the applicant is entitled for bail. The application needs to be allowed. Hence, I proceed to pass following order.

ORDER

- 1) Bail application at Exh. 9 in Special Case POCSO No. 10/2024 is hereby allowed.
- 2) The applicant/accused namely Sunil Samadhan Maske, R/o. Sanjay Nagar Zopadpatti, Sangola, Tq. Sangola, Dist. Solapur is ordered to be released on regular bail on furnishing personal bond of Rs. 25,000/- with one surety of like amount in connection with C.R.No. 8/2024 registered with Pandhapur city police station for the offences punishable under Sec. 376 (2)(n), 376, 376(3) of the Indian Penal Code, 1860 (IPC) and under sec. 4, 5(L)(2), 5(L), 6, 8, 10 and 12 of Protection of Children from Sexual Offences Act, 2012 (POCSO)
- 3) The applicant/accused shall attend regularly in the Court at the time of hearing of this case.
- 4) The applicant/shall not tamper with the prosecution witnesses.
- 5) Bail before this Court.
- 6) Inform to the concern jail authority.
- 7) Bail application at Exh. 9 is disposed of accordingly.

(A. S. Salgar)

Date : 12.01.2026.

Special (POCSO) Judge, Pandharpur.

CERTIFICATE

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

01. Name of the Stenographer - Santosh Vilas Ghongade.
02. Name of the Court - Court of Dist. Judge 02,
Pandhapur.
03. Order/judgment signed by P.O. on - 14.01.2026.
04. Order /Judgment uploaded on - 14.01.2026.