



IN THE COURT OF ADDL. SESSIONS JUDGE, PANDHARPUR
Order Below Exh.1 in Criminal Bail Application No. 335/2026

CNR - MH50050007022026

Shankar Dnyaneshwar Babar

... Applicant/accused

Versus

The State of Maharashtra
(Through Police Station Officer
Karkam Police Station
vide C.R. No. 118/2026)

... Respondent/State

Appearance -

Mr. U. C. Bagal, Ld. Advocate for the applicant / accused

Mr. S. S. Dulange, Ld. APP for the Respondent / State

(ORAL ORDER)

(Dictated and pronounced in the open Court)

01. This is an application filed by applicant/accused for grant of regular bail u/s 483 of BNSS, for releasing him in connection of crime No. 118/2026 registered at Karkamb Police Station for the offence punishable under section 64, 64-A, 64(2)(m), 69, 137(2) of BNS and under sec. 4, 8 of POCSO Act.

02. The applicant/accused submitted that, he has not committed any crime. He has been falsely implicated in this crime. He has no concern with crime. There is no criminal antecedent against the applicant/accused. There is no direct or indirect evidence against applicant. Nothing is seized from him. He is sole earning member of his family. He never kidnapped the daughter of informant. He is resident of

Karkamb, Tal. Pandharpur. He is ready to co operate to investigation machinery. Age of victim is 16 years 8 months. She was aware of consequences of her act. The investigation is practically completed. Hence, applicant/accused prayed for grant of bail in connection of crime No. 118/2026 registered at Karkamb Police Station.

03. The Ld. APP submitted say at Exh. 4 and resisted the application on the ground that alleged offence is serious in nature. It is punishable up to imprisonment for life. The accused was aware that the victim was minor. The accused gave false assurance of marriage to the victim and he took victim at the house of his aunt at Solapur. Thereafter he took at Pimpri and from Pimpri he took victim at Nira and during the period from 26.04.2026 to 02.05.2026 the applicant/accused repeatedly committed intercourse with victim. The accused was arrested on 05.05.2026. During the course of investigation statements of witnesses recorded and charge sheet has been filed against the accused. The alleged offence is against minor girl. If accused/applicant is released on bail, then he will put pressure on victim and witnesses. The victim is taking education. The accused may cause obstruction to the victim in her education career. Lastly the Ld. APP prayed for rejection of application.

04. The I.O. has filed say at Exh. 5 and submitted that, investigation is in progress. Offence is serious and against minor girl. Accused and victim are resident of same and one village. If accused is released on bail, he may put pressure on complainant and witnesses. 6 ptThe victim is taking education. Accused will create obstruction in education of victim. Lastly the I.O. prayed for rejection of bail

application.

05. Informant appeared and filed say at Exh. 6 and resisted application. It is contended that, if bail is granted to the accused, he may put pressure on complainant to withdraw the case and danger may cause to the life of complainant and victim. The victim is staying in other village because of fear of the accused. The accused had given threat to the victim that, if she does not state as per his say, then he will commit her half murder. There is possibility of repetition of crime. Lastly informant prayed for rejection of application.

06. Heard Ld. Advocate Shri. Bagal for applicant/accused and Ld. APP Shri. Dulange for state.

07. Perused the contents of application and say filed by APP and I.O. and informant.

08. By this application the applicant/accused prayed for grant of bail. Ld. APP, informant and I.O. objected application. I have gone through the FIR. The FIR has been lodged against unknown person. It is alleged in FIR that, the daughter of informant aged 16 years 8 months was kidnapped by unknown person for unknown reasons without the consent of her parents from lawful guardianship. The name of applicant/accused is revealed in the course of investigation.

09. In present case, investigation is completed and charge sheet has been filed against the accused. Police papers show that, when the victim returned back to her native place, at that time she disclosed to her parents that, accused took the victim at his house and thereafter he took

her at Solapur and thereafter the accused also took the victim at to the resident of his relatives at Pimpri Chikhali. The accused took victim at Pimpri. After alighting from a bus in Pune, the accused proceeded to stay overnight in a room at Nira and during that, night claiming that, they were going to get marry the accused engaged in sexual intercourse with victim against her will. He repeatedly committed intercourse with victim. During the course of investigation the I.O. recorded statement of victim, in which she stated that, the accused lured the victim with a false promise of marriage and he kidnapped victim and took her at various places and he committed sexual intercourse with victim. The statement of victim also corroborates by the version of her parents, who stated that, the victim disclosed them that accused kidnapped victim and took her at Solapur and Chikhali Pimpri and Pimpri Budruk, Tal. Khandala. The medical examination of victim was conducted and before medical officer the victim gave history that, accused committed sexual assault on her on 25.04.2026 and 26.04.2026 and he threatened her verbally. The history given by victim shows that, the accused took victim with him for 15 days. Medical officer opined that, the prosecutrix is the victim of sexual assault. Thus, in the form of charge sheet there is sufficient material on record to show the involvement of accused. Hence, he cannot be granted regular bail.

10. In present case, investigation is completed and charge sheet is filed. The investigation reveals that, the accused despite being fully aware that victim was minor aged 16 years 8 months gave false assurance of marriage and kidnapped her and subsequently engaged in

sexual intercourse with victim against her wish. The victim was minor. Therefore, her consent is immaterial. It also reveals from record that, Ld. J.M.F.C. recorded statement of victim under section 183 of BNSS, in which the victim stated that, instead of dropping her at her house the accused took the victim at Solapur at the house of her relative and thereafter he took her at Pune and Nira. Her statement also shows that, the accused forcibly committed intercourse with her on two occasions. Her statement shows that, she does not love him. Prima facie statement of victim indicates that, the accused kidnapped her under pretext of marriage and forcibly committed act with the victim.

11. In present case, there are serious allegations of penetrative sexual assault by accused upon the informant/victim. Age of victim is shown as 16 years 8 months. It means victim is minor. Her consent is immaterial. In my view, as offence is serious in nature, it is not appropriate to grant regular bail to the applicant/accused. Moreover the alleged offence is punishable for imprisonment up to life. If bail is granted to the applicant, then bad message will spread in to society. Hence, bail cannot be granted to the accused.

12. In present case, age of the victim is 16 years 8 months. The age of the accused/applicant is shown as 25 years. The accused was aware that the victim was minor. In spite of this fact he has committed this serious and heinous crime. If bail is granted to this accused, then accused may repeat the offence. Hence, he cannot be granted bail.

13. The Ld. Advocate for the accused submitted that, there was

love affair in between accused and victim. He also submitted that, the accused is not having criminal antecedent. Hence, he prayed for grant of regular bail. I have minutely gone through statement of victim. Her statement also shows that, the accused forcibly committed intercourse with her on two occasions. Prima facie statement of victim indicates that, the accused kidnapped her under pretext of marriage and forcibly committed act with the victim. The statement of victim is not showing that, there was love affair in between accused and victim. Thus, I find no substance in the argument advanced by Ld. Advocate for the applicant/accused that, there was love affair between applicant and victim and applicant is entitled for bail.

14. Considering the nature of the offence and role played by applicant/accused in crime, I am of the view that the applicant/accused is not entitled for grant of bail. Hence, I proceed to pass following order.

ORDER

- 1) Criminal Bail application No. 335/2026 is rejected.
- 2) Criminal Bail application is disposed of accordingly.

Date : 17.07.2026.

(A. S. Salgar)
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 03,
Pandhapur.
03. Order/judgment signed by P.O. - 17.07.2026.
on
04. Order /Judgment uploaded on - 17.07.2026.