

 IN THE COURT OF ADDL. SESSIONS JUDGE, PANDHARPUR
 Order Below Exh. 1 in Criminal Bail Application No. 387/2026

CNR – MHSO050007662026

Vijaykumar Chidanand Mosalgi ... Applicant/accused

Vs.

The State of Maharashtra ... Respondent/State
(Through Police Station Officer
Mangalvedha Police Station vide
C.R. No. 400/2026)

Appearance

Mr. S. S. Deshmukh, 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)

This is an application filed by the applicant/accused for grant of anticipatory bail in connection with C.R.No. 400/2026 registered with Mangalvedha Police Station for the offence punishable under 64(2)(m), 78(1), of BNS and u/s 4, 6, 8, 12 of POCSO Act.

02. Applicant/accused submitted that, he has not committed any crime. He is innocent and has no concern with crime. The applicant and informant performed marriage. The informant was major in the year 2023. Investigation is almost completed. The applicant is ready to abide all the terms and conditions imposed by the Court. Hence, he prayed for grant of anticipatory bail in connection of C.R. No. 400/2026 registered

at Mangalvedha Police Station.

03. Learned APP submitted say at Exh. 6 and resisted the application on the ground that, alleged offence is very serious in nature and it is punishable for life imprisonment. During the period from 25.04.2026 to 15.05.2026 the accused followed the victim and he repeatedly committed intercourse with victim and she gave birth to two children. The accused was arrested on 22.05.2026. The accused was aware that, victim was minor. In spite of this fact he performed marriage with victim and forcibly committed intercourse with her. If bail is granted to applicant/accused, then he will not co operate to investigation machinery. Lastly Ld. APP prayed for rejection of application.

04. The I.O. submitted say at Exh. 7 and resisted application on the ground that, the alleged offence is serious in nature and against minor girl. The accused was aware that, victim was minor. In spite of this fact he repeatedly committed intercourse with victim and she became pregnant. It is necessary to investigate, at which places the accused took the victim and committed the act. It is also necessary to seize mobile from applicant/accused. Lastly I.O. prayed for rejection of bail application.

05. The informant appeared through advocate and filed her affidavit at Exh. 8. She submitted that, at the time of marriage her age

was 18 years. She has no complaint against accused. Lastly she submitted that, she has no objection to grant bail to the applicant/accused.

06. Heard learned advocate Shri. Deshmukh for the applicant/accused and Ld. APP Dulange for the State, at length. I also heard Adv. Pawar for informant, at length. I also heard I.O.

07. Perused contents of this application and say filed by Ld. APP, I.O. By this application the applicant/accused prayed for grant of anticipatory bail. Ld. APP and I.O. objected application. I have gone through the FIR. The name of accused mentioned in FIR as accused. In FIR there are specific allegations that, during period from 25.04.2023 to 15.05.2026 the accused was repeatedly following to the victim. He was aware that victim was minor. In spite of this fact he performed marriage with victim and he took victim at his house and repeatedly committed intercourse with victim. The FIR has been lodged by the victim herself. There are specific allegations against applicant/accused that, he repeatedly committed sexual intercourse with victim. The role of applicant is specifically mentioned in FIR. Hence, he cannot be enlarged on anticipatory bail.

08. In present case, the I.O. submitted that, for collecting the evidence against applicant/accused his custodial interrogation is necessary. The I.O. has submitted before the Court that, medical

examination of accused is yet not conducted. Hence, he prayed that, anticipatory bail application be rejected. In present case, the offence under section 64 (2)(m) of BNS and section 4, 6, 8, 12 of POCSO are registered against the accused. In my view for conducting medical examination of accused, his custodial interrogation by police is necessary. So also for seizure of mobile his custody is necessary. Hence, anticipatory bail application filed by the accused cannot be granted.

09. In present case, the alleged offence is serious and grave in nature. As per FIR, incident was going on from 25.04.2023. The FIR itself shows that, due to sexual intercourse committed by the accused, the victim became pregnant. The FIR shows that, the victim gave birth to one child on 23.11.2023. It also reveals that, the victim also gave birth to second child on 15.05.2026. Thus, it is clear that, victim became pregnant from the applicant/accused. Offence is very serious and grave one. For collecting DNA sample of accused and victim custodial interrogation of applicant/accused is necessary. Hence, bail cannot be granted to the applicant/accused.

10. Ld. Advocate for applicant submitted that, victim is wife of accused and they performed marriage. The parents of victim have no objection for grant of bail to the applicant/accused. He also placed reliance on affidavit filed by the victim. In my view, merely on the basis of affidavit of parties the bail cannot be granted. The court has also scrutinize the entire evidence. In FIR itself the victim has stated that,

accused committed intercourse with her and she became pregnant. Now she cannot make contradictory statement before the Court and state that, she has no objection to grant of bail to the accused. Therefore, the affidavit filed by informant will not help the accused.

11. In present case, the investigation is at initial stage. For thorough investigation custodial interrogation of accused is necessary. The role of applicant/accused is specifically mentioned in FIR. Prima facie there is involvement of accused in the said crime. Therefore, application for grant of bail is liable to be rejected.

ORDER

- 1 Criminal Bail Application No. 387/2026 is rejected.
- 2 Anticipatory Bail Application No. 387 of 2026 is disposed off accordingly.

Date : 02.07.2026.

(A. S. Salgar)
Special Judge (POCSO), 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. - 02.07.2026.
on
04. Order /Judgment uploaded on - 02.07.2026.