



IN THE COURT OF SPECIAL JUDGE (POCSO) PANDHARPUR

Special Case (POCSO) No. 56/2025

Order Below Exh. 4

CNR - MH50013382025

State of Maharashtra	... Complainant
(THROUGH police station officer Pandharpur	
City Police Station vide CR No. 443/2025	
Vs.	
Abhishek Hari Shinde	... Accused

Appearance

Mr. Wangikar Ld. APP for the respondent / state.
Mr. Velapure Ld. APP for the accused.

(ORAL ORDER)

(Dictated and pronounced in the open Court)

This is an application filed by the applicant / accused for grant of regular bail in connection with C.R.No.443/2025 registered with City police station for the offences punishable under Sec.64(1)(2)(i), 137(2) of BNS and Sec.4, 8, 12 of POCSO Act and Sec.3(1)(w)(i)(ii), 3(2)(v) of SC and ST (PoA) Act.

2 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. No case is made out against the applicant/accused for the offence punishable Sec.64(1)(2)(i), 137(2) of BNS and Sec.4, 8, 12 of POCSO Act. The applicant / accused is not having criminal antecedent. Investigation is completed and charge-sheet has been filed. The applicant/accused is permanent resident of Malkhambe. He is taking education. His family is depending upon him. Nothing is remained to be recovered from him. If bail is granted he will

not tamper or not flee away from justice. Lastly he prayed to release the accused on bail in connection with C.R.No.443/2025 registered with City police station for the offences punishable under Sec.64(1)(2)(i), 137(2) of BNS and Sec.4, 8, 12 of POCSO Act and Sec.3(1)(w)(i)(ii), 3(2)(v) of SC and ST (PoA) Act.

3 Learned APP submitted say at Exh.5 and resisted the application on the ground that the offence is serious in nature. It is punishable up to imprisonment for life. The accused is arrested on 13.07.2025. There was sufficient evidence against the applicant. The charge-sheet is filed against the accused. The accused was aware that the victim was minor. In spite of this fact he kidnapped the minor. If he is released on bail, he will abscond and tamper prosecution witnesses and he will also commit similar type of offence. Lastly, he prayed for rejection of application.

4 Informant also appeared through before Court through advocate and filed say Exh.6 and resisted the bail application. He submitted that if bail is granted then, the applicant will again harass the victim. There will be danger to the life of victim, informant and his relatives from accused. The accused may put pressure on the complainant for withdrawal of complaint. The accused, informant and victim resides in same village. The victim is taking education. There is possibility of repetition of a crime at the instance of accused and it will affect the career of victim. Lastly, he prayed to reject the bail application.

5 Heard learned advocate Shri. Velapure for the applicant/ accused and learned APP Shri. Wangikar for the state at length.

6 The learned advocate for the applicant/accused submitted that

there was love affair between the accused and victim and the victim herself joined the company of accused and there is no intention to commit breach of any promise. The charge-sheet has been filed. He also argued that the statement of victim shows that on her own accord he left her house and joined company of accused and she admitted that there was love affair in between them. He also submitted that victim stayed with accused at various places and not made any grievances. He also submitted that she joined the company of accused on the basis of love affair in between them. He submitted that accused is in custody. Further incarceration of accused is not required. Hence, he prayed to allow the bail application. In support of his application he relied on following rulings.

- i 2024 ALL MR (Cri) 2499 Hon'ble Bombay High Court – Nitin Damodar Dhaberao Vs. State of Maharashtra,
- ii 2021 ALL MR 190 (FB), Hon'ble Bombay High Court, Maksud Sheikh Gaffur Sheikh Vs. State of Maharashtra,
- iii ABC 2016(I), 34 Bom, Sunil Mahadeo Patil Vs. State of Maharashtra
- iv copy of order in Criminal Bail application 3899/2024 in the case of Vijay Chand Dubey Vs. State of Maharashtra

On the contrary, the learned APP submitted that the offence is serious in nature and it is punishable up to imprisonment for life. It is argued that the offence of rape against the minor girl are increasing day by day. He also submitted that the prosecutrix being minor, below 18 years, her consent is immaterial and therefore, in such type of serious offences, no bail can be granted. Hence, he prayed to reject the bail application.

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

8 I have gone through F.I.R. The FIR was lodged by the father of victim wherein he mentioned that on 05.07.2025, the informant and her daughter had came at Pandharpur for attending the function of Sant Nirnkari Mandal and also meet to maternal aunt and at that time unknown person kidnapped victim from his lawful custody. In FIR the name of applicant is not mentioned. The name of the applicant/accused was revealed in the course of investigation. FIR lodged on 06.07.2025. There is one day delay which is not explained in the FIR. During the course of investigation, the name of applicant is revealed. During the course of investigation, the investigating officer recorded the statement of victim. The victim in her statement before police officer admitted love relationship with the accused. The statement also shows that the accused gifted one mobile to her. Her statement also shows that she made call to the accused and called him at Pandharpur to meet her. The age of victim shows as 16 years 24 days. It means that the victim is minor and her consent is immaterial. The statement of victim shows that she left house on her own accord and joined company of accused and also admitted love with him. Her statement shows that she stayed with accused at various places and established physical relations with him and has not made any grievances that the accused subjected to forceful sexual assault. It is further seen that the accused has not subjected to forceful sexual relation ship with her out of lust. The medical certificate also does not support as to external injuries found on the person of victim. It is apparent that out of love affair, the victim joined company of present accused. The applicant/accused is also tender age of 24 years and out of love affair they came together. 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. 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 malshiras taluka, village Malkhambe. 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 along with hurdle criminal. If the applicant/accused is kept in custody along with hurdle criminal, then his life will be spoiled. Therefore, I am of the view that the applicant/accused can be granted regular bail.

9 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. 4 in Special Case POCSO No. 56/2025 is hereby allowed.
- 2 The applicant/accused namely Abhishek Hari Shinde R/o.Malkhambi, Tal.Malshiras, Dist. Solapur is ordered to be released on regular bail on furnishing personal bond of Rs.50,000/- with one surety of like amount in connection with C.R.No.443/2025 registered with City police station for the offences punishable under Sec.64(1)(2)(i), 137(2) of BNS and Sec.4, 8, 12 of POCSO Act and Sec.3(1)(w)(i)(ii), 3(2)(v) of SC and ST (PoA) Act.
- 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. 4 is disposed of accordingly.

(A. S. Salgar)

Date : 29.12.2025

Additional Sessions 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 - 31.12.2025.
04. Order /Judgment uploaded on - 31.12.2025.