

MHST010009542026



Criminal Bail Application No. 204/2026

ORDER BELOW EXHIBIT 1

(Rohit Chandrakant Nalawade Vs. State of Maharashtra)

1. This is an application tendered by applicant Rohit Chandrakant Nalawade, under Section 483 of Bharatiya Nagrik Suraksha Sanhita 2023 (hereinafter referred to as 'BNSS'), in connection with C.R. no. 127/2026 registered with Satara Taluka Police Station for the offence punishable under Sections 64, 64(2)(m), 65(1), 115(2), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS') and under Sections 4,6 of The Protection of Children From Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO' Act.)
2. The investigating officer has filed say at Exh.7-A and the prosecution has adopted the same vide Exh.07. The prosecution has strongly opposed this application.
3. The informant/victim has filed say vide Exh.05 and resisted this application.
4. Heard Ld. advocate for the applicant and Spl. PP for the State. Perused an application, say filed by the prosecution and police papers.

5. It is argued by Ld. advocate for the applicant that, the alleged incident allegedly took place between 01.08.2025 to 19.02.2026. The FIR has been lodged on 19.04.2026 by the victim, afterthought. The victim and accused were friends. Accused accepted the request of the victim and victim was aware of the fact that the accused was married. The mobile phone of accused would show the same and it is seized by the police during the investigation. The wife and baby of the accused are in the house and the victim never came in the house of the accused. According to him, the accused is falsely implicated in this case. The accused is only earning member in his family. He has no criminal antecedents. The investigation is completed. The Ld. advocate for the accused prayed for releasing the accused on bail.

6. On the other hand, it is argued by Ld. Spl PP that, at the time of incident, the victim was only 15 yrs old. The accused beat the victim and though he is married, indulged in sexual relations with the victim. The conduct of accused needs to be considered. There are statements of the friends of the victim also. Medical history discloses involvement of the accused in the present crime. The investigation is in progress. He has prayed for rejection of the application.

7. The FIR indicates that, on 19.04.2026, the victim aged 16 yrs old lodged a report against present applicant. It reveals that, the victim's date of birth is 30.11.2009. On the date of lodging FIR, the victim was 16 yrs old and at the time of the incident, the victim was 15 yrs old. Thus, prima facie the victim is

child as defined under Sec.2(d) of the POCSO Act. The age of the applicant discloses as 29 yrs. Admittedly, he is married.

8. Further, the FIR indicates that, the victim was using mobile phone of her mother and using Snap chat App. She accepted friend request of the applicant and they developed friendship. In August 2025, applicant came outside of the college of the victim and he took her with him under pretext to drop her at her house. Then, he took the victim at his house at Wadhe, Tal. & Dist. Satara, where he kissed her forcibly and made her sleep on bed and established forcible sexual intercourse with her. Thereafter, repeatedly by giving phone calls to the victim, he called her in his house and established physical relations with her forcibly. He gave threats to kill her family members and therefore, the victim was going to the house of the applicant. The sister of the victim after knowing about the same, informed the victim that applicant is married and then she stopped to meet the applicant. Thereafter, the applicant started giving abuses and threats on phone to family members of the victim. On 17.04.2026, at night, the applicant gave phone call and threatened to commit suicide by coming in front of her house. Therefore, the victim informed the incidents to her parents and lodged a report against the applicant accordingly.

9. The statement of the victim seems to be recorded u/s. 183 of BNSS. It discloses prima facie that, the statement of the victim supports the incidents of forcible physical relationship established by the applicant with her by giving threats. The

Medico Legal Examination report of sexual violence of the victim discloses that the victim has narrated the history of forceful sexual intercourse established by the accused with her in his house for 5 to 6 times and use of blackmailing her, threatening her by the applicant. The report discloses that sexual violence cannot be ruled out.

10. Further, there are statements of the father of the victim, the mother of the victim, friends of the father of the victim which supports prima facie the commission of the offence by the applicant as disclosed by the victim in her First Information Report. Further, there are statements of the friends of the victim and it shows that, the applicant used to beat the victim and the witnesses witnessed the same.

11. Thus, prima facie it reveals that, there is sufficient material against present applicant regarding commission of alleged offences. The victim who is child has lodged a report against the applicant, who was initially not aware of married status of applicant. Further, prima facie there is sufficient material in respect of overt act committed by the applicant upon the victim. Further, yet investigation has also not completed and it is in progress.

12. Considering the age gap between the applicant and the victim, married status of the applicant and prima facie sufficient material against the applicant regarding commission of alleged offence of aggravated penetrative sexual assault, it is not

just and proper to release the applicant on bail. Therefore, application is to be rejected, with this I proceed to pass the following order -

ORDER

- 1] The application is rejected.
- 2] Criminal Bail Application No. 204/2026 stands disposed of.
(Dictated and pronounced in open Court.)

Date : 10.06.2026
Place : Satara.

(Smt. S.P. Pongshe)
Addl. Sessions Judge-3 &
Special Judge (POCSO), Satara