

MHST010010372026



IN THE SPL. COURT (P.O.C.S.O. Act), AT SATARA
(Presided over by N. M. Jamadar, Spl. Judge)

Criminal Bail Application No. 247 of 2026

Sanjay Shivaji Jadhav

...Applicant

V e r s u s

State of Maharashtra

...Respondent

Bail Application U/s 483 of Bhartiya Nagarik
Suraksha Sanhita, 2023

Appearance:

Learned advocate Shri.V.F.Momin for Applicant.

Learned Spl. P. P. Shri.N.D.Muke for the State.

(A) Case Details

FIR Number & Date : 75 of 2026, dated 30.05.2026

Police Station, District and State : Rahimatpur Police Station, Satara
(Maharashtra)

Sections invoked : Section 74, 75, 78, 79, 333, 351(2),
352 of Bhartiya Nyay Sanhita, 2023
and Section 8, 12 of the Protection of
Children from Sexual Offences Act,
2012.

Maximum punishment: Imprisonment for 7 years.
prescribed

(B) Custody & Procedural Compliance

Date of arrest : 30.05.2026

Total period of custody: 1 month
undergone

(C) Status of trial :

Stage of proceeding : Investigation
Total number of witnesses cited: Not applicable
in the charge-sheet
Number of prosecution witnesses: Not applicable.
examined

(D) Criminal antecedents :

FIR number and police station : No.
Sections : Not applicable.
Status : Not informed.

(E) Previous bail applications :

Court : No.
Case Number : Not applicable.
Outcome of case : Not applicable.

(F) Coercive Processes :

Whether any non-bailable: Not applicable
warrant was issued
Whether declared a proclaimed Not applicable.
offender

Order below Exh.1

The applicant namely; Sanjay Shivaji Jadhav is seeking for grant of regular bail under Section 483 of Bhartiya Nagarik Suraksha Sanhita (for short "B.N.S.S.").

02. As per the allegations in the FIR, the accused resides near the house of victim in a rented premises and he used to stare at informant and her sister with lusty eye. On 29.05.2026 at about 1:00 p.m. when informant and her sister were present in their house, the accused asked informant to arrange his bed and to search for his mobile phone. After she denied and closed door of her house, the accused

urinated near the door and later on abused her. At about 7:00 p.m., the informant intimated about these facts to her mother. At about 9:30 p.m. her father came home. On 30.05.2026 when her father asked about the incident to accused, he assaulted the informant with an axe. However, the informant saved herself. Two persons intervened and snatched the axe.

03. According to the applicant he has been falsely implicated in the crime. Material investigation is over. There is nothing to be investigated. On these and other counts, he has prayed for grant of bail.

04. The State has filed reply at Exh.8 and resisted the application contending, that the offence is serious in nature involving outraging modesty of the victim girl. The State has also expressed a possibility of repetition of same crime in the event of release of applicant on bail.

05. The informant has submitted her reply at Exh.7 praying to refuse the bail.

06. I have heard learned Advocate Shri.V.F.Momin for applicant and learned Spl. P.P. Shri. N.D.Muke for the State. Perused the record.

07. At the outset, learned Advocate for applicant by placing reliance on the case of ***Bandu Vitthalrao Borwar Vs. State of Maharashtra*** decided by the Hon'ble Bombay High Court dated 17 October 2016, submitted that in order to attract charge under Section 11 punishable under Section 12 of the Protection of Women From Sexual Offences Act (for short, 'P.O.C.S.O. Act'), one of the important ingredients to be proved is sexual intent on the part of the accused. He submitted, that in the case in hand, the facts do not reveal any kind of sexual intent on the

part of the applicant. He further submitted, that the offences punishable under Sections 74, 75, 78, 79 of Bhartiya Nyay Sanhita (for short "B.N.S.") are not at all attracted in the case in hand. For these reasons and also contending that the investigation is already over and that the applicant is in jail for more than a month, he prayed for grant of bail.

08. Learned Spl.P.P. Shri. N.D.Muke however, submitted that the investigation is not yet over and the charge-sheet is yet to be filed. According to him if the applicant is enlarged on bail, he would pressurize the victim and the witnesses.

09. After having heard both the learned Advocates and after having gone through the FIR and the documents, at the outset it shall be mentioned that the present applicant has no criminal antecedents. Thus, present crime seems to be the first crime registered against him. The applicant has a permanent place of abode at Arvi, Taluka Koregaon, District Satara. As such, if the essential requirements of bail jurisdiction are to be looked at, there is *prima facie* ground to believe that presence of applicant, if bail is granted, can be secured. On this background, the factual aspects can be seen.

10. Allegedly, the applicant was staring at informant with lusty eye and when informant narrated this fact to her father, her father advised her to not to pay heed. This incident is not specified with any date or year. The second incident indicates that the applicant wanted the informant to search his mobile phone and to arrange his bed. Here, *prima facie* there is no sexually coloured utterance alleged to have been made by the applicant. The third incident is of applicant urinating near the door of house of the informant. The next incident is of applicant assaulting the informant for complaining about him to her parents. If all

the episodes of the incidents are connected, *prima facie* the allegations miss the requisite ingredients of utterance with sexual intent. Apparently, at this *prima facie* stage, no inference of sexual intent on the part of applicant can be drawn. Of course, this shall be subject to trial and the evidence which come in trial. However, when the essential elements to attract Section 12 of the P.O.C.S.O. Act is not clear or is in a diluted form, I am of the considered view that when substantial investigation is already over, merely for apprehension of repetition of crime or seriousness of crime, bail cannot be denied. This can be especially so when none of the offences are punishable with imprisonment for more than 7 years. As such, it can be expressed that regarding the apprehension raised, care can be taken by putting appropriate conditions and hence discretion shall be exercised in favour of the applicant for grant of bail. Therefore, in the result, I pass following order.

O r d e r

1. The application is allowed.
2. Applicant namely; Sanjay Shivaji Jadhav be released on his executing personal bond in the amount of Rs.50,000/- with one surety in the like amount in connection to Crime No.75/2026 registered with Rahimatpur Police Station, District Satara for the offences punishable under Sections 74, 75, 78, 79, 333, 351(2), 352 of Bhartiya Nyay Sanhita, 2023 and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012. on following conditions-
 - a) The applicant/accused shall attend Rahimatpur Police Station on every Saturday between 10:00 a.m. and 12:00 noon till 1st August 2026 or till filing of charge-sheet whichever is earlier, and cooperate the investigation.
 - b) The applicant/accused shall not tamper with prosecution evidence in any manner and shall not threaten informant or prosecution witnesses in any

manner.

- c) The applicant/accused shall not commit any offence during the course of his enlargement on bail.
3. If the applicant/accused violates any of the above conditions, the State shall have liberty to seek for cancellation of bail.
 4. Inform Rahimatpur Police Station, District Satara accordingly.
 5. Copy of this bail order shall be sent to concerned jail authority by e-mail.

(Dictated and pronounced in the open Court)

Place- Satara.

Dated- 01.07.2026.

(N. M. Jamadar)

I/c. Spl. Judge (POCSO Act) Satara

CERTIFICATE

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

Name of the Steno : Jitendra R. Bartakke

Name of the Court : N. M. Jamadar

District Judge-04 and Additional
Sessions, Judge, Satara.

Date : 01.07.2026

Judgment signed by :

Presiding Officer on : 01.07.2026

Judgment uploaded on : 01.07.2026