

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-3 AND SPECIAL
JUDGE (POCSO ACT) WARDHA.**

Spl.C.No.5/2026.

CNRNo.MHWR010001302025.

Akash Mahdev Irpache,
Age 25 years, Occ.- Labour,
R/o Ward No.5, Kakaddhara, Post Talegaon,
Tah. Ashti, Dist. Wardha ... **Applicant/Accused.**

Versus

1. State of Maharashtra,
Through its Police Station Officer,
Police Station, Talegaon

2. Victim,
R/o. Juni Wasti, Talegaon ... **Non-applicants.**

ORDER BELOW EXH.04

(Passed on 10.03.2026)

This is an application under Section 483 of B.N.S.S. made by accused/applicant for grant of regular bail in connection with F.I.R.No.609/2025 for the offence punishable under Sec.64(2)(i), 64(2)(m), 65(1), 70(2), 351(2) of B.N.S., 2023 and Sec. 4, 6 of POCSO Act registered at Talegaon Police Station.

2] The brief facts arising out of FIR and charge-sheet are as under :

The informant/victim lodged FIR on 19.11.2025 alleging that in the month of April, 2025 she came into contact with accused no.1 Deva Kakde through Instagram ID and subsequently, she was in contact with him through Instagram, as well as mobile phone. On 21.04.2025, accused no.1 Deva Kakde called her. After that, he attempted to have sexual intercourse with her behind Vatsalabai Gohal College, Talegaon near canal. Subsequently, he was again in contact with her regularly. Thereafter, in the month of August, 2025, he again called her at the residence of his friend. Thereafter, aforesaid residence another persons

namely Aniket Shendre and Vishal Ambhore came to said spot and they had forceful sexual relationship with her. Subsequently, Aniket Shendre took her number from Deva Kakde and he was constantly talking with her. Thereafter, in the month October, 2025 Aniket Shendre called her again at Vatsalabai College at the same location, another few persons Shashank Manohare, Akash Irpache, Vijay Pachekar and Gaurav Kakde came to the said spot and attempted to have forcible sexual relationship with her. Meanwhile, on 20.10.2025, victim informed her mother that she was missed her menstrual period. Therefore, her mother took her to doctor and subsequently, it was revealed on 18.11.2025 that she was pregnant of 3 months. Therefore, she narrated the entire incident to her parents and subsequently, FIR came to be lodged for the offence punishable under Sec.64(2)(i), 64(2)(m), 65(1), 70(2), 351(2) of B.N.S., 2023 and Sec. 4, 6 of POCSO Act registered at Talegaon Police Station.

3] It is submitted by the learned advocate for the accused that it is false case registered against him. There is no such incident as narrated by the informant in her FIR had ever taken place. The accused is behind bars since 19.11.2025. The entire investigation is already completed. Moreover, charge-sheet is also filed on 16.01.2026. The allegations made by the victim are highly improbable. There is delay of approximately more than 5 months in lodging FIR. The accused is less than 25 years of age. He is not having any criminal antecedents. Therefore, the learned Advocate for accused is praying for releasing the accused on regular bail.

4] The learned APP Shri. V.R. Ghude filed reply below Exh.9 and 9-A along with say of Investigating Officer. It is submitted by the prosecution and Investigating Officer that offence is serious in nature. It is case of gang rape. The accused and victim are resident of same

village/same area. If the accused is released on bail, he may commit similar offence or threaten prosecution witnesses. So on these grounds, prosecution has prayed for rejection of this application.

5] The victim also appeared before the court alongwith her parents and filed her reply to this application below Exh.5. It is submitted by the victim/informant that all accused has committed forcible sexual intercourse with her. They had attempted to kill her. They have committed said act in order to satisfy their lust. Therefore, victim is praying for rejection of instant application.

6] Since this matter is pertaining to the gang rape and allegations of pregnancy, therefore, by way of detail order below Exh.1 on 06.02.2026 the investigating officer was called upon to furnish status of DNA analysis report. As even though, after filing of charge-sheet also, it was not submitted. On the last date, I have personally inquired with investigating officer SDPO Shri. Chandrashekhar Pralhadrao Dhole through Video Conferencing about the status of DNA report. It is surprising to note that though, the DNA analysis report were received by the office of SDPO, Arvi prior to 21.02.2026. But still, these were not filed to this court till 06.03.2026. The DNA analysis report are now produced on record on 06.03.2026.

7] Heard learned Advocate Shri Mirza Wasim Baig for accused and Ld. APP Shri. VR. Ghude. I also perused the application, reply, as well as charge-sheet i.e. Spl.C.No.5/2026 and DNA analysis report filed on 06.03.2026.

8] Though, the elaborate analysis of material collected by the investigating officer is not warranted at this stage. However, the brief narration made in the FIR, as well as charge-sheet would reflect that victim has stated 3 different instances of sexual assault of April, 2025, August, 2025 and October, 2025 by set of different individuals. So

under such circumstances, whether these 3 different acts of sexual assault by 3 different set of individuals spanning over period of April, 2025 to October, 2025 can be clubbed together in one trial or not is required to be adjudicated at the time of this trial.

9] However, except bare allegations of the alleged sexual assault by the accused on 3 different occasions, there is absolutely nothing corroborative on record. It is also unclear as to how victim came to know full and complete names of the accused while filing the FIR. It must be noted that the narration given in the first information report is only having first name and surname of the accused. But, in the printed FIR full name of the accused (first name, middle name and surname) is written in column no.7 of the printed FIR. It is unclear as to how police officials came to know full name of the accused, when victim herself has stated only first name and surname of the accused. The oral report and FIR are starting point of this case.

10] Apart from aforesaid aspect, the DNA analysis report of the victim product of conception of victim and accused is completely negative to the extent of establishing in paternity that product of conception of victim. So far as, product of conception of victim is concerned, the DNA analysis report reads as under :

“Therefore, Minimal Retained Product of Conception of the victim is unsuitable for paternity analysis.”

So, to the extent of DNA analysis report, the all applicants (all accused) are excluded from any biological link with the product of conception of the victim. This crucial aspect to connect the accused with the crime is negative.

11] It is also to be noted that bail application hearing is not a mini trial and therefore, the further analysis about the statement, CDR & SDR reports of the victim and accused are not warranted at this stage.

However, so far as considering following points, (i) delay of 5 months in lodging FIR, (ii) absence of explanation, as to how full names of the accused disclosed in the FIR. When victim had given only first name and surname of the accused in her first information report, (iii) negative DNA analysis reports are crucial factors for making case for granting the bail to the accused. It is also to be noted that accused in bail application no.532/2025 i.e. Gaurav Onkar Kakde is real elder brother of accused no.1 Devadra Onkar Kakde, however, the FIR and the remaining statement of the victim are not specifying any such details about the knowledge of such relationship between both accused to the victim.

12] Apart from this aspect, though, the offence under sections 3(2)(v), 3(2)(va), 3(1)(w)(i), (ii) of S.C. & S.T. (Prevention of Atrocities) Act are also invoked in this case, but, there is absolutely nothing on record that informant had ever stated that accused are having knowledge about her caste when the alleged incidents (3 different incidents) had taken place. Therefore, the offences under Atrocities act are attracted or not is also question of trial.

13] In view of above discussion, accused are entitled to be released on bail. It is to be noted that observations made in this order are only to the extent of adjudication of bail application and it shall not be construed as any expression of on final opinion merit of the case.

14] The accused is less than 25 years of age. There are no criminal antecedents against the accused. He is permanent resident of Wardha. The entire investigation is already completed. Considering all these grounds and inferences drawn on above discussions, further custodial detention of the accused is not warranted. The only apprehension used by the victim as she may be threatened by the accused, it can be taken care of by imposing conditions on the accused. Therefore, I proceed to pass the following order :

ORDER

- 1] The Cri. Bail application below Exh.4 is hereby allowed.
- 2] The accused namely Akash Mahdev Irpache in connection with FIR bearing No.609/2025 for the offence punishable under Sec.64(2)(i), 64(2)(m), 65(1), 70(2), 351(2) of B.N.S., 2023 and Sec. 4, 6 of POCSO Act registered at Talegaon Police Station, be released on regular bail on furnishing PR and SB of Rs. 25,000/- with local surety of like amount on following conditions :
- (i) The accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (ii) The accused shall not tamper with the prosecution evidence in any manner.
- (iii) The accused is hereby directed not to enter in the vicinity or house where the victim is residing, till conclusion of trial. Similarly, the accused is further directed not to threaten all prosecution witnesses in person or via telecommunication.
- (iv) The accused shall attend each court dates regularly.
- 3] The accused shall co-operate investigating machinery as and when required.

Place : Wardha.
Date : 10.03.2026.

(**S.G. Adake**)
Addl. Sessions Judge-3 &
Spl. Judge (POCSO Act), Wardha

CERTIFICATE

I affirm that the contents of this P.D.F. File of order are word to word, as per original order.

(Vidyadhar B. Bokde)
Stenographer (Gr.-I)