

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

Cri.Bail Appln. No.77/2026.
CNRNo.MHWR010004062026

Pravin Kashinath Palaste(Badgujar)
Aged about 34 years, Occ. Private Service,
R/o. Pimparkhed, Tah. & Distt. Jalgaon. **... Applicant.**

Versus

State of Maharashtra,
Through its Police Station Officer,
Police Station, Wardha(City) **... Non-applicant.**

ORDER BELOW EXH.01
(Passed on 17.03.2026)

1] This is an application under Section 482 of B.N.S.S. made by applicant for grant of anticipatory bail in connection with FIR No.476/2024 registered at Wardha(city) Police Station for offences U/Sec.363, 370, 376, 376(2), 312, 313, 318, 317, 201 of IPC and 4, 6 of POCSO Act.

2] It is submitted by that accused that police lodged false FIR against him alleging that accused performed child marriage in contravention of section 4 and 6 of POCSO Act and section 376(2)(n), 376 of IPC and section 9, 10 and 11 Prevention of Child Marriage Act.

3] It is submitted by the learned advocate for the accused that despite having full knowledge about the age of victim girl, her parents by suppressing her real age, performed marriage of the victim on 09.02.2023. Subsequently, they had also shown wrong Aadhar card of victim girl in which her date of birth was shown as 29.08.2005. But, immediately thereafter, when accused inquired about correct age of the victim by verified her Aadhar card and birth certificate, it was

disclosed that victim was minor. Due to which, mother of the victim also execute the agreement in favour of accused by explained the guilt. Finally, police has filed charge-sheet against accused. The accused was available in his house till, she was shown as abscond.

4] It is submitted by learned advocate for accused that he is permanent resident of Jalgaon. The substantial investigation is already completed. The charge-sheet is filed. Therefore, custodial detention of the accused is not warranted. So, on these grounds, applicant is praying for releasing the accused on anticipatory bail.

5] The learned APP Shri. P.P. Soitkar filed reply below Exh.6 along with say of Investigating Officer. It is submitted by the prosecution and Investigating Officer that the offence is serious in nature. The accused was not available for investigation. The investigation is necessary. So on these grounds, prosecution has prayed for rejection of this application.

6] The victim also appeared before the court and filed her reply to this application below Exh.5. It is submitted by the victim that accused is having criminal tendency. Therefore, victim has prayed for rejection of this application.

7] By way of detail order below Exh.1, dated 06.03.2026 first investigating officer Smt. Pranita Bhabale and investigating officer SDPO Pramod Makeswar was personally called by to present before court. Accordingly, they were present. Heard both investigating officers.

8] Heard learned Advocate Shri. D.T. Motwani for accused and Ld. APP Shri. P.P. Soitkar. I have perused charge-sheet Spl.C.No.90/2025.

9] The allegations against present accused is that despite knowing the fact of minority of the victim, he performed marriage with her. However, the documents produced on record i.e. agreement executed by the mother of the victim on 10.02.2023, it is reflecting that in the said agreement, age of the victim was shown as 18 years. Subsequently, another agreement came to be executed on 14.05.2023 by which mother of the victim has admitted that victim girl was less than 18 years of age. These two documents are clearly showing two different version of the victim and her mother about the correct age of the victim. There is absolutely no investigation by the investigating officer as to on what basis victim and her mother represented of accused on 09.02.2023 and 10.02.2023 that she is more than 18 years of age.

10] It is also surprising to note that the investigating officer has not even collected the Aadhar card of the victim girl to ascertain the correct and exact date of birth of the victim. The charge-sheet Spl.C.No.90/2025 is clearly reflecting that the entire investigation is already completed. It is also to be noted that there are other allegations against another accused Shaharukh Pathan. The prosecution is unable to explain as to why if there are altogether two different offences allegedly committed by two different individuals, but still one common charge-sheet is filed in this case. So far as, role of present accused is concerned, I am of the opinion that considering the conflicting statements made by the victim and her mother about correct age of the victim of such issues can be adjudicated during the course of trial. The accused is not having criminal background. The custodial detention of the accused is not warranted. Moreover, it is nowhere indicating that anything specific

such as issuance of non-bailable warrant attach property of the accused was even undertaken by the investigating officer before declaring him absconded while filing the charge-sheet under section 299 of Cr.P.C. No such efforts are taken by the investigating officer. In view of above discussions, the accused has made out strong case for grant of anticipatory bail, the liberty of the applicant can be protected. Hence, I proceed to pass following order.

ORDER

- 1] The application below Exh.1 for grant of anticipatory bail is hereby allowed.
- 2] In the event of arrest in connection with FIR No.476/2024 registered at Wardha(City) Police Station for offences U/Sec. 363, 370, 376, 376(2), 312, 313, 318, 317, 201 of IPC and 4, 6 of POCSO Act, applicant Pravin Kashinath Palaste(Badgujar) be released on anticipatory bail on furnishing PR and SB of Rs.25,000/- with surety of like amount on following conditions :
 - i] The accused is hereby directed to remain present before the investigating officer within the 15 days from the date of this order so as to unable, the investigating officer to file supplementary charge-sheet in connection with FIR No.476/2024.
 - ii] 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.
 - iii] The applicant/accused shall not tamper with the prosecution evidence in any manner.
- 3] Inform this order to concerned Police station accordingly.

Place : Wardha.
Date : 17.03.2026.

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

C E R T I F I C A T E

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)