

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

Cri. Bail Appln.No.82/2026.
CNRNo.MHWR010004362026.

Mohammad Moinuddin s/o. Salauddin Khan,
Age about 23 years, Occ.- Nil,
R/o Katol Road, Makardhokada,
Tah. & Dist. Nagpur ... **Applicant/Accused.**

Versus

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

ORDER BELOW EXH.1
(Passed on 16.03.2026)

1] 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.74/2026 for the offence punishable under Sec.137(2), 62(2) (m), 3(5) of B.N.S., 2023 and Sec. 4 and 6 of POCSO Act registered at Wardha Police Station.

2] The brief facts arising out of FIR are as under :

The informant is the mother of the victim girl. She lodged FIR that on 26.01.2026 that her victim daughter aged about 17 years 4 months is missing from her house since intervening night of 25.01.2026 to 26.01.2026.

3] Initially, FIR under section 137(2) of BNS came to be registered. During the course of investigation, it is revealed that victim girl was at Mathura alongwith accused no.1 and 2. They were recovered from Mathura under transit warrant. During the course of investigation, it is

revealed that victim girl with accused no.1 abducted her under the pretext of marriage on 25.01.2026. Subsequently, he also kept sexual relationship with her at different locations. Thereafter, he took victim to Mathura. Subsequently, victim again made a statement that she called accused no.2. The accused no.2 also kept sexual relationship with her. Subsequently, all of them were recovered from Mathura.

4] This accused was arrested on 10.02.2026 and since then he is in judicial custody remand.

5] It is submitted by the learned advocate for the accused no.2 that he has been falsely implicated in this case. There are contradictory statement of the victim girl about her sexual relationship with this accused. Despite having such relationship, she was staying together with accused no.2 in Mathura. The accused is not having any criminal antecedents. The substantial investigation such as recording statement of victim girl/informant is already completed. The medical examination is also over. Therefore, the learned Advocate for accused is praying for releasing the accused on regular bail.

6] 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 victim is belonging to the scheduled caste. Therefore, the process of offence of Atrocities Act is still going on. So on these grounds, prosecution has prayed for rejection of this application.

7] The victim girl also appeared before the court along with her mother and filed her reply below Exh.5. It is submitted by informant/victim before the court that they are not any objection to the accused releasing on bail.

8] Heard learned Advocate Smt.A.D. Deshpande for accused and Ld. APP Shri. P.P. Soitkar. The investigating officer PSI Smt. Gitanjali Gargote was also appeared before the court with updated case diary. I have gone through the updated case diary.

9] The careful reading of the FIR and police papers would demonstrate that initial investigation for offence under section 137(2) of BNS came to be completed. The further part of the updated case diary is indicating that there are two statements of victim recorded on 07.02.2026 at Mathura and another statement under section 183 BNS recorded before the learned Judicial Magistrate First Class. The comparative reading of these two statements is indicating that she was knowing to the accused since year 2025 through Facebook. They were chatting with each other and subsequently, victim went alongwith this accused. The further part of the statement of victim would also demonstrate that she was having friendly acquaintance and relationship with other accused no.1 Farukha Saiyad also since last more than 3 years. However, except bare allegations about forcible sexual relationship with against accused no.1, despite this, she went alongwith accused no.1 at Mathura and thereafter, called accused no.2 at Mathura.

10] It is essential to note that both accused and victim were recovered from Mathura when they were staying together. The two statements of victim recorded on 07.02.2026 and statement under section 183 of BNS are having different version about the incident. It is essential to note that victim is aged about 17 years, 4 months. She is having friendly acquaintance relationship with accused no.2 since last many years. So, considering these aspects, the victim is about to attain

the age of majority and therefore, she was and is capable to understand of nature and consequences of her act. It is also to be noted that except bare allegations of sexual relationship, there is nothing specific such as medical report or presence of biological samples about such assault.

11] It is also to be noted that by way of reply Exh.5, victim and informant has given no objection to the present bail application. In view of above discussion, considering the relationship between the victim and accused no.2, bare allegations of sexual assault and absent of any positive medical report and biological samples and no objection from the victim, I am of the opinion that further detention of the accused no.2 is not warranted. The updated case diary is indicating that substantial investigation is already completed. The statement of important witnesses including victim is also recorded. The accused no.2 is aged about 25 years. He is having no criminal antecedents. He is permanent resident of Nagpur. So, under such circumstances, the purpose and object of custodial detention of accused no.2 is already over. Hence, application can be allowed in terms of following order.

ORDER

- 1] The Cri. Bail Appln.No.82/2026 is hereby allowed.
- 2] The accused namely Mohammad Moinuddin s/o. Salauddin Khan in connection with FIR bearing No.74/2026 for the offence punishable under Sec.137(2), 62(2)(m), 3(5) of B.N.S., 2023 and Sec. 4 and 6 of POCSO Act registered at Wardha 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 applicant shall attend concern Police Station on every Wednesday between 10.00 a.m. to 12.00 noon for next 03 months or till filing of charge-sheet which ever is earlier.
 - (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 accused shall not tamper with the prosecution evidence in any manner.

- 3] Inform this order to concerned Police Station accordingly.
- 4] The case diary be returned to concerned Police Station.

Place : Wardha.

Date : 16.03.2026.

(**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)