

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

Cri. Bail Appln.No.83/2026.
CNRNo.MHWR010004372026.

Mohan s/o Kawduji Kathane
Aged about 41 years, Occ.- Business,
R/o Shrihari Bichhayat Kendra, Near Agnihotri
College, Ramnagar, Tukaram Ward, Wardha
Tah. & Dist. Wardha. ... **Applicant/Accused.**

Versus

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

ORDER BELOW EXH. 01
(Passed on 11.03.2025)

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.148/2026 for the offence punishable under Sec.75 of B.N.S., 2023 and Sec. 12 of POCSO Act registered at Ramnagar Police Station.

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

The informant is the victim, who is staying at Nagthana road adjacent to the Shrihari Lawn. On 15.02.2026 her parents had gone out of home. The accused is the owner of Shrihari Lawn. The victim saw the *duppata* of her mother in the said lawn. Therefore, she went to see her mother at Shrihari Lawn. At that time, accused came to said spot and pulled her towards one room in the said lawn. The victim rescued herself and ran away from the said spot. It is the case of informant that accused attempted to outrage her modesty by catching her hand.

3] It is submitted by the learned advocate for the accused that it is false case registered against accused. The informant and accused are residing adjacent to each other. The accused is owner of Shrihari Lawn. The father of the victim is having suspicion about the relationship between mother of the victim and accused. Therefore, the father of the victim has pressurized the victim to file false case against the accused. There is delay of 7 hours in lodging FIR. The accused is behind bars since last 25 days. The substantial investigation is over. 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.5 along with say of Investigating Officer. It is submitted by the prosecution and Investigating Officer that since the accused and victim are residing adjacent to each other, there is possibility of accused made threaten the prosecution witnesses, if accused is released on bail. So on these grounds, prosecution has prayed for rejection of this application.

5] The victim also appeared before the court. She has also filed reply to this application below Exh.6. It is submitted by the victim that if the accused is released on bail, he may threaten her. So, on this ground, victim is praying for rejection of instant application.

6] Heard learned Advocate Shivani S. Surkar for accused and Ld. APP Shri. V.R. Ghude. I also perused updated case diary produced by Investigating Officer.

7] I have gone through the updated case diary. It is to be noted that the allegations against accused are pertaining to outraging modesty by catching the hand of victim. There is delay of 7 hours in lodging FIR.

The maximum punishment provided for the offences registered against accused is less than 7 years of imprisonment. The accused is coming with different version of entire events i.e. instigation on the part of father of victim, as he was suspicion about relationship between accused and mother of the victim. The such defence taken by the accused can be considered during the course of trial.

8] However, the accused is behind bars since 15.02.2026 i.e. for last 25 days. The substantial investigation is already completed. The statement of important witnesses are also recorded. The accused is not having any criminal background. Moreover, except victim, there are no other eyewitnesses to the incident. The statement of victim under section 183 of BNSS is also recorded. So, considering the nature of allegations, severity of punishment and stage of the investigation, the further custodial detention of the accused is not warranted in this case. However, considering the apprehension raised by the victim certain conditions may be imposed on accused, while releasing him on regular bail. Therefore, I proceed to pass the following order :

ORDER

- 1] The Cri. Bail Appln.No.83/2026 is hereby allowed.
- 2] The accused namely Mohan s/o Kawduji Kathane in connection with FIRNo.148/2026 for the offence punishable under Sec.75 of B.N.S., 2023 and Sec. 12 of POCSO Act registered at Ramnagar 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] Case diary be returned to concerned Police Station.

Place : Wardha.
Date : 11.03.2026.

(**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)