

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

Spl.Case No.140/2025.
CNRNo.MHWR010024452025.

Naresh Samadhan Chavhan,
Aged about 22 years, Occ.- Labour,
R/o Malthana, Tah. Jalgaon, Distt.
Dist. Buldhana. **... Applicant/Accused.**

Versus

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

ORDER BELOW EXH.9
(Passed on 11.02.2026)

The application Exh.9 is for grant of regular bail under Sec. 483 of B.N.S.S. made by accused/applicant in connection with F.I.R.No. 187/2025 for the offences punishable under sections 137(2), 64(2) (F), 64(2)(I) of the Bhartiya Nyaya Sanhita 2023, sections 4, 6 of POCSO Act, registered at Dahegaon Police Station.

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

The applicant is permanent resident of Buldhana District. He is a labour by profession. It is submitted by him that informant lodged FIR that her minor daughter is missing since 04.08.2025. According to the prosecution, accused abducted her, even though, she was minor and also kept sexual relationship with her. Subsequently, in the

month of November, 2025, victim girl and accused came to be recovered and therefore, offences under sections 4 and 6 of POCSO Act came to be added.

3] It is further submitted by the applicant that his mother had perform marriage with one Vinod Bhosale who had two wives. The victim girl is the daughter of another wife of Vinod Bhosale, whereas accused is son of Vinod Bhosale out of his relationship with his first wife. However, Vinod Bhosale did not prepare Aadhar Card of the present accused that his name, but it was prepared in the name of Samadhan Chavan. There is a love relationship between accused and victim girl. They were staying together as husband and wife since 3-4 months prior to their arrest. The investigation is now completed. Therefore, accused is seeking grant of regular bail.

4] Prosecution has filed reply below Exh.3 & 10. It is submitted by the prosecution that offence is serious in nature. The victim was pregnant due to sexual relationship with accused. So, considering these grounds, prosecution is praying for rejection of instant bail application.

5] The victim girl also filed her reply below Exh.11. It is submitted by the victim that accused abducted her by giving false promise of marriage and love relationship. The accused kept sexual relationship with her on the pretext of marriage and love relationship. So, on these grounds victim is praying for rejection of instant application.

6] By way of detail order below Exh.9, prosecution was directed to submit B-file, as well as specific reply to the contents made by in paragraph no.3 of the bail application. Therefore, by way of reply below Exh.13, it is submitted by the prosecution that even though the accused is claiming that step brother of the victim, but there are no documentary evidence to that effect. Hence, all these grounds, prosecution is praying for rejection of instant application.

7] Heard learned Advocate Shri.R.B.Ambade for applicant/accused in Exh.9. Heard learned APP Shri. P.P. Soitkar. Perused charge-sheet, as well as B-file.

8] The careful reading of charge-sheet would reflect that victim went missing on 04.08.2025 and on the same day, FIR came to be lodged. However, thereafter, for 3 months neither victim nor accused were traceable. The victim came to be recovered only on 08.11.2025. It is submitted by the victim before the police that she is aged about 17 years and she was having friendly relationship with the accused. They were talking with each other over mobile phone and subsequently, she went alongwith accused. The statements of the victim are demonstrating that she is aged about 17 years, it means she is on the verge of attaining majority. So, she is having sufficient maturity to understand the nature of consequence and her act and relationship with accused. It is to be noted that for 3 months victim did not raise any grievance or resistance, when she was in the company of accused. This aspect is very much crucial to ascertain whether there was any force or coercion by the accused towards

victim.

9] So far as another angle about relationship between accused and victim is concerned, it is only contended by the accused that he is the son of Vinod Bhosale from his first wife. However, the statement of Vinod Bhosale is completely silent about this aspect. For the same reason B-diary, was called out. The said B-diary is having statement of the accused recorded on 27.11.2025 which is having a reference that accused was born to Jyoty Samadhan Chavan by her first marriage with Vinod Bhosale. There is absolutely no efforts taken by the investigating officer to record the statement of Jyoti Samadhan Chavan or Samadhan Shivlok Chavan, even though, there personal details and addresses are fully within the knowledge of investigating officer. It is expected on the part of investigating officer to make full investigation on this point by recording statement of Jyoti Samadhan Chavan and Samadhan Shivlok Chavan. It was also expected in the part of investigating officer to make appropriate investigation such as DNA analysis of accused, Vinod Bhosale and Jyoti Samadhan Bhosale (that claiming to be biological parents of the accused) and Samadhan Shivlok Chavan. This aspect would certainly clarify the exact position about relationship in the instant case. However, investigating officer PSI Homkant Mashakhtri did not doing anything in this regard. It is unfortunately to note that all these aspects are emerging from the investigation where kept in B-file and not included in the final report i.e. charge-sheet filed before this court. I do not wish to make much comments about such casual investigation on the part of investigating

officer in the serious case under POCSO Act.

10] Now, coming to the factual and merits of the present application, it can be seen that the statement of the victim is nowhere indicating that she was having any knowledge about so called genealogical relationship with the accused. It is also to be noted that accused and victim are belonging to Paradhi community. The victim was more than 17 years of age, when she went along with accused. She was staying with the accused for more than 3 months. Therefore, considering her age at the relevant time, she was having sufficient understanding and maturity about the nature and consequences of her act. The statement of witnesses are indicating that they were staying together as husband and wife. There are catena of judgments of Hon'ble Supreme Court and High Court where it has been held that if there is absence of force and coercion in the romantic love relationship of the young individuals, the option of granting bail can be positively considered.

11] In our case also, accused less than 22 years of age with no criminal antecedents. The investigation is already completed. The charge-sheet is also filed. If the bail still refused, it will amount to pre-trial conviction and it will expose the accused to the evils effects of prison. So, considering all these points and discussions, accused can be enlarged on regular bail with conditions. Hence, I proceed to pass the following order :

ORDER

- 1] Cri. Bail application below Exh.9 is hereby allowed.
- 2] The accused namely Naresh Samadhan Chavan in connection with F.I.R.No.187/2025 for the offences punishable under sections 137(2), 64(2)(F), 64(2)(I) of the Bhartiya Nyaya Sanhita 2023, sections 4, 6 of POCSO Act, registered at Dahegaon 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 shall attend each court dates regularly.
 - (iv) Copy of this order be sent to investigating officer for necessary action.
 - (v) B-diary of this case be kept alongwith charge-sheet.
- 3] The accused shall co-operate investigating machinery as and when required.
- 4] Inform this order to concerned Police Station and Jail Authority accordingly.

Place : Wardha.

(**S.G. Adake**)

Date : 11.02.2026.

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)