

ORDER BELOW EXH.17

The present application is filed by applicant to grant bail under section 483 of B.N.S.S., 2023.

2. In brief it is the contention of the applicant that report was given by informant Usha Bhalerao alleging that victim is daughter of her sister and is residing with her since three years. She is studying in 11th std and her age is about 15 years. Accused no.1/ applicant used to follow her and used to confess that he loved her and wants to marry with her. The victim told the said fact to the informant. However, she had told her not to pay his attention to the said fact. On 02/12/2025 in the afternoon at about 12.00 p.m. victim went to purchase grocery items in store. Thereafter she did not return back. Informant inquired about her, however she could not be found. On 08/1/2025 she received missed call on her phone. Thereafter she called back on the said number and learned that said phone call was of accused no.1 and he told her that victim was with him. The informant knew the accused no.1 and his family. So also victim was having love affair with him. As such she lodged report in police station that accused no.1 had enticed away the victim. Thereafter when the informant went to inquire about victim to the house of accused his family members had abused and threatened to kill her.

3. It is contention of applicant/accused no.1 that there is delay in lodging FIR. Alleged incident is of 02/12/2025, however FIR was given on 23/12/2025 and reason of delay is not mentioned in report. It is further his submission that investigation is complete and charge-sheet is filed. Nothing is to be recovered from the possession of the accused. No material evidence has come against him on record. Further, it is his

submission that if at all statement of victim dated 26/12/2025 is considered then it is clear that she has not made any allegations against him. Thus, statement of victim is contrary to the prosecution case. The victim has also not undergone medical examination. Thus, prima-facie there is no evidence against the accused. The accused does not have criminal antecedents and there is no possibility that he might abscond. He is ready to abide by all the terms and conditions which would be imposed by the Court and hence he has prayed that application be allowed.

4. The said application is strongly opposed by Ld. APP by filing say overleaf the application. It is her submission that there is evidence on record showing primary involvement of the accused. Accused was having knowledge that victim is minor and inspite of that he has committed repetitive penetrative sexual assault on her by giving false promise of marriage. Accused is married. Inspite of same he had committed alleged offence. Thus, the application is without merits and it needs to be rejected.

5. The said application is also opposed by the informant by filing say below Exh.24. It is her contention that offences levelled against the accused are of serious nature. The victim is minor and accused had committed repeated penetrative sexual assault on her. Victim was in the house of accused and she was locked in the said house. All the family members of accused were having knowledge that victim was minor. Due to sexual assault of accused, victim became pregnant and was aborted on 09/2/2026. If at all accused is released on bail there is possibility that he will threaten and might pressurize her. Prima-facie there is sufficient evidence to show involvement of accused. Hence, the application needs to be rejected.

6. Heard Ld. APP and Ld. Advocate for accused and victim. Ld. Advocate for the informant has argued in accordance with their contentions in the application. She has relied upon following authority :

i) **X vs. State of Uttar Pradesh & Anr., Criminal Appeal No.164/2026 dated 09/01/2026** wherein it is held by Hon'ble Supreme Court that, *"It is settled law that the mere filing of a charge-sheet does not, by itself, preclude consideration of an application for bail. However, while assessing such an application, the Court is duty-bound to have due regard to the nature and gravity of the offence and the material collected during investigation. The offences alleged in the present case are heinous and grave involving repeated penetrative sexual assault upon a minor victim committed under armed intimidation and accompanied by recording of the acts for the purpose blackmail. Such conduct has a devastating impact on the life of the victim and shakes the collective conscience of society."*

7. Ld. Advocate for accused has argued in accordance with contention in the application and has further submitted that the accused is implicated in false case. He submitted that the victim went with accused by her own wish and it is victim who was following the accused and pressurizing him. It is clear from the statement of victim that accused has not committed forceful sexual assault on her. He has further argued that informant has lodged complaints against some other persons also and she is in habit of making false complaints. He further submitted that accused no.1 undertakes that he will not hamper and tamper with prosecution evidence and abide by all the conditions imposed by the Court. He has relied upon following authority :

i) **Shubham Dilip Awasarmal vs. The State of Maharashtra and Anr, Bail Appln. No.877/2025 dated 14/08/2025** wherein it is held by Hon'ble

Bombay High Court that, “ The age of the minor is absolutely irrelevant factor at all stages of the proceedings under POCSO Act. The consent of minor is irrelevant under the POCSO Act and this Court cannot dilute the offences under the POCSO Act by holding that the minor was of the age of understanding. However, while considering grant of bail in POCSO offences, there is no statutory restriction/bar under the statute and the settled principles of granting bail in criminal jurisprudence would apply.”

8. Considering the submission of both sides, so also on perusal of record it appears that allegations against the accused no.1/applicant are serious in nature. In the said circumstances, contention of Ld. Advocate for applicant that there were consensual relations between the victim and accused are not relevant. In spite of said circumstances it cannot be disregarded that accused is in jail since 02/01/2026. Prima facie there appears substantial delay in FIR and even from the statement of victim it appears that there are no allegations of forceful sexual assault against the accused. No specific date or time of the offence is mentioned by the informant. Investigation is complete and nothing further is to be recovered from the possession of applicant. Applicant is in jail for the substantial period and no purpose will be served by keeping him behind bars. The said facts of the case in hand differ from the facts in the authority of **X vs. State of Uttar Pradesh & Anr.**, relied upon by Ld. Advocate for the informant. Hence, ratio in said authority would not be helpful to the victim at this stage. The other accused are also released on anticipatory bail by Hon'ble High Court. In the said circumstances considering the ratio of **Shubham vs. The State of Maharashtra and Anr** so also in light of aforesaid discussion I am of the view that accused needs to be released on bail. As far as the apprehension of the prosecution that accused might tamper with the prosecution evidence or

may pressurize the victim is concerned, the same can be taken care of by imposing necessary conditions. Hence, accused is entitled to be released on bail on the following conditions:-

ORDER

1. Application is hereby allowed.
2. Accused no.1 is released on bail on furnishing personal bond of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety in the like amount.
3. The accused is directed not to tamper with the prosecution evidence.
4. The accused is directed not to contact or threaten or pressurize the victim or any the prosecution witnesses.
5. He is further directed not to leave Risod, Tq. Risod, Dist. Washim without prior permission of the Court.
6. He is further directed not to involve himself in another offence.
7. He is further directed to furnish copy of Aadhaar Card, Ration Card or any document of address proof and cell number at the time of furnishing surety.
8. Hamdast Allowed.

Dt:-30/06/2026

(M. S. Sahasrabudhe)
Addl. Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order :-

Name of the Stenographer	:- R.K.Pawar, Stenographer (Grade-1)
Court Name	:- District Judge-3 & Additional Sessions Judge, Washim, Dist.Washim
Date	:- 30/06/2026
Order signed by the Presiding Officer on	:- 30/06/2026
Order uploaded on	:- 30/06/2026