

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WASHIM**

*(Presided over by M. S. Sahastrabudhe)*

**CRIMINAL BAIL APPLICATION No. 75/2026****CNR No. MHWS010002622026**

**Applicant** : Lata Madhukar Dongre  
Age 46 Yrs, Occup. Labour  
r/o. Ward No.8, Navin Malegaon,  
Tq. Malegaon, Dist. Washim

**- Vs.-**

**Non-applicant** : State of Maharashtra,  
Through Police Station Officer,  
Malegaon, Tq. Dist. Washim.

**Application under Section 483 of B.N.S.S., 2023 for regular bail****ORDER BELOW EXHIBIT No. 1**

*(Passed on 20<sup>th</sup> day of March 2026)*

The present application is filed by the applicant under Section 483 of B.N.S.S. in crime No.642/2026 of Malegaon Police Station registered for the offences punishable under Sections 64 (2) (m), 87, 3(5) of BNS, 2023 and Section 4, 6, 8, 12 & 17 of POCSO Act.

2. In brief, it is the contention of the applicant that the report was given by the informant on 27/12/2025 and has alleged that the victim had left the house of the informant on her own on 26/12/2025 at 10.00 a.m. and was not found thereafter.

3. The applicant is arrested in the said crime on 22/02/2026 and since then she is in Jail. However, the applicant has no concern with the offence. The applicant is doing labour work and his

supporting her family. She is having four children and they are taking education. Her family is dependent on her. The victim is now in the custody of her parents and the investigation is nearly complete. Prima facie no offence under POCSO Act is made out against the applicant. She has no criminal antecedents and there is no possibility that she might abscond. The applicant is ready to abide by all the terms and conditions, which would be imposed by the Court. Hence, she has prayed to allow the application and to grant bail.

4. The said application is strongly opposed by the Id. APP and I.O. by filing say below Exh.7. It is their contention that after FIR was given by the informant the search of the victim was taken and she was found at Saswad Dist. Pune on 20/02/2026. Her statement was recovered and in her statement she had stated that accused Ritesh by giving her promise of marriage had enticed her away to village Pimpale Dist. Pune. There he had established physical relations with her on several occasions. When the accused Ritesh and victim were residing with the applicant in her house at village Pimple the victim narrated about the said incident to her. However, the applicant told her not to disclose the said fact to anybody or else she will face bad consequences. She even did not allow the victim to call her parents. Accused Ritesh is yet to be arrested. The applicant is residing in different village for labour work and there is possibility that she might not attend the court proceeding. However, if at all she is released on bail, then conditions be imposed to attend the Court or police station whenever directed.

5. The victim has appeared in the said proceeding and had filed her reply vide Exh.6 and has submitted that after she went away

from her home she had no contact with the accused. She went with accused out of her own wish and without any pressure from anybody and she has given no objection to release the applicant on bail.

6. On perusal of record, it appears that the applicant in Jail since 22/02/2026. The ld. advocate for the applicants has argued in accordance with his contention in the application and has further submitted that the victim is aware of the consequences of her act and has left the house of her parents on her own wish. Hence, the applicant cannot be held liable of the said act of the victim. In support of his submissions, he has placed reliance upon following authority.

*Anirudha Radheshyam Yadav Vs. The State of Maharashtra, Criminal Bail Application No.2632/2019*, wherein it was held by the Hon'ble High Court that, "So far as the offences punishable under Section 4,6, 8 of POCSO Act (special law) is concerned, it may be stated that the provisions of this law are, though, stringent in nature, would not deter the Court to grant or refuse bail in order to secure the ends of justice. The conduct of the victim is indicative of the fact that she had left the home of the per parents by her own will and that she had surrender to the physical desires of the applicant out of her lover and affection for him. It is not the case of the prosecution that the applicant had promised to marry her. Additionally, it is also not a case where under the misconception of the fact, she had served herself to the desire of the applicant for physical relations. No doubt, that the applicant, under the preview of POCSO Act, is a minor, however, the facts of the present case indicate that she had sufficient knowledge and capacity to know full import of what she was doing and had only thereafter voluntarily joined the complainant."

7. Considering submissions of both sides, so also on perusal of

record, it appears that the allegations against the applicant is that she is mother of the accused Ritesh and when the victim disclosed her about her relations with the accused she told her not to disclose the said fact to anybody and she did not allow her to call her parents. However, the victim herself had appeared in the matter and had filed her say stating that she went with accused Ritesh out of her own wish and after understanding the consequences of her act. She was not pressurised by anybody and she has no grievance against the applicant. The applicant is in jail for substantial period and does not have criminal antecedents.

8. From the say of I.O. it appears that the investigation is nearly complete and the custody of the applicant is not required for further investigation. The applicant is behind bars for substantial period and from the say of I.O. it can be ascertained that nothing is to be recovered from her possession. Considering the said facts, so also considering the ratio in the authority of *Anirudha Vs. State of Maharashtra*, the applicant needs to be released on bail. The apprehension of the prosecution that the applicant will not attend the police station or court can be taken care of by imposing necessary conditions. Accordingly, in the interest of justice, I proceed to pass following order:-

#### **ORDER**

- i) The application is hereby allowed.
- ii) Applicant **Lata Madhukar Dongre** in crime No.642/2026 registered with Malegaon police station for the offence punishable under Sections 64 (2)(m), 87, 3(5) of BNS, 2023 and Section 4, 6, 8, 12 & 17 of POCSO Act, he be released on bail on furnishing personal bond of Rs.50,000/- (Rs. Fifty

thousand only) with one solvent surety in the like amount.

- iii) She is directed to attend Police Station, Malegaon as and when directed.
- iv) She shall not involve themselves in the similar offence.
- v) She is further directed not to change her address without prior permission of the Court.
- vi) She 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.
- vii) Hamdast Allowed.

Place : Washim  
Date : 20/03/2026.

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

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**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	:- Nitin B. Khandare, Stenographer (Grade-1)
Court Name	:- District Judge-3 & Additional Sessions Judge, Washim
Date	:- 20/03/2026
Order signed by the Presiding Officer on	:- 20/03/2026
Order uploaded on	:- 20/03/2026