

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WASHIM
(Presided over by M. S. Sahastrabudhe)



CRIMINAL BAIL APPLICATION NO.203/2026
CNR NO.MHWS010006332026

ORDER BELOW EXHIBIT NO. 1
(Passed on 06th day of June 2026)

The present application is filed by the applicant under Section 483 of B.N.S.S. in Crime No.204/2026 of Malegaon Police Station registered for the offences punishable under Sections 137(2), 64(1) of BNS, 2023 and Section 4 & 8 of POCSO Act.

2. In brief, it is the contention of the applicant that the report was given by the informant on 03/03/2026 alleging that victim had left their house midnight between 27/02/2026 and 28/02/2026. There is substantial delay even in filing of FIR. During the said period accused was missing from his house and due to same informant suspected the accused and had disclosed his name to police. Thereafter accused was arrested by police on 27/04/2026 and since then he is in jail.

3. It is contention of applicant that he is implicated in false case. Even the victim was examined by police and she has specifically deposed that accused had not enticed her away. Victim went on her own with accused and though there were physical relations between them, same were consensual and accused has not pressurized her. Victim was having love affair with accused and she on her own went to the accused. Accused had no criminal antecedents and there is no possibility even absconding. Accused is ready to abide all the terms and conditions which would be imposed by the Court. Hence, he has

prayed to allow application and grant of bail.

4. Said application is strongly opposed by Ld.APP and I.O. by filing say below Exh.5. It is their contention that FIR was given by the father of victim and thereafter her search was taken. Victim is minor and though the accused had knowledge of said fact he enticed her away and had physical relations with her. If accused is released on bail, then he might pressurize victim and her family. Hence, application needs to be rejected.

5. Informant had appeared in the matter and filed his say vide Exh.9. He has submitted that accused had kidnapped victim and had physical relations with her though he was having knowledge that she was minor. Hence, offence under POCSO Act is made out against him. If accused is released on bail then he might pressurize the victim and her family. Initially also accused had threatened the victim not to give statement against him or else he will kill her parents. Due to threats of accused victim initially did not give statement against him. Thus, application is without merits and needs to be rejected.

6. Heard both sides at length. Perused record. On perusal of record it appears that accused is in jail since 27/04/2026. From the police papers it appears that victim was found in company of accused and thereafter accused was arrested. Statement of victim was recorded in police station. At that time victim was in company of her parents and stated that she on her own accord went away with accused and accused had neither kidnapped her nor he had forceful physical relations with her. Though it is contention of informant that at the time when statement of victim was recorded she was pressurized by accused still it needs to be considered that at the relevant time accused was in

jail and victim was giving statement and was accompanied by her parents. It needs to be considered that accused is also young and bread earner of his family. His parents, young sister and brother are dependent on him and he has no criminal antecedents. From the say of I.O. it appears that investigation is nearly complete and custody of the accused is not required for further investigation. Nothing is to be recovered from the possession of the accused. Considering all these facts accused needs to be released on bail. Apprehension of the prosecution that accused might pressurize victim and her family and might abscond can be taken care of by imposing certain conditions. Accordingly in the interest of justice I proceed to pass following order.

ORDER

- i) Application is hereby allowed.
- ii) Applicant **Shivshankar Narayan Dakhore** be released on bail on furnishing personal bond of Rs.50,000/- (Rs. Fifty thousand only) with one solvent surety in the like amount in Crime No.204/2026 registered with Malegaon Police Station for the offences punishable under Sections 137(2), 64(1) of BNS, 2023 and Section 4 & 8 of POCSO Act,
- iii) He is directed to attend Police Station, Malegaon as and when directed.
- iv) He shall not involve themselves in the similar offence.
- v) He is further directed not to change his address without prior permission of the Court.
- vi) 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.
- vii) Hamdast Allowed.

Date : 06/06/2026.

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

//4//

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
Date	:-	06/06/2026
Order signed by the Presiding Officer on	:-	06/06/2026
Order uploaded on	:-	06/06/2026