

IN THE COURT OF SESSIONS, YAVATMAL

MHYA010011082026

CBA No.161/2026

Datta Vs. State



Order Below Exh.01

(Passed on 23rd June, 2026)

Perused application and reply filed by prosecution. Heard the learned counsel for applicant and learned APP. The applicant was arrested on 20/05/2026 for offence punishable under sections 64(1), 64(2)(i), 64(2) and 78 (2)(m), 78 of BNS r/w 4, 6, 12 of POCSO Act, to which section 17 of POCSO was added later on. It is alleged that victim was 17 years, 4 months, and 16 days on date of the FIR i.e. 05/05/2026. It is further alleged that the accused Vishnu who is 20 years old, had penetrative sexual intercourse with victim thrice on 04/04/2025 in Forest on Mozar Road, 01/04/2026 and 21/04/2026 in DK Cafe, Mahagaon Road, Darwha. Victim was pregnant and she divulged this fact to her parents on 05/05/2026. Therefore, mother of victim lodged report against Vishnu. The offence was registered against Vishnu, owner and applicant Datta / staff of DK Cafe.

2. As mentioned above applicant was arrested. He is in custody since 20/05/2026. It is contention of applicant that he is innocent. There is no evidence against him. No prima-facie case is made out against him. He is not related to the victim and the offence. The main accused Vishnu is already arrested. He

was arrested because he was staff of said cafe. Applicant is sole bread winner of his family. He prayed for releasing him on bail.

3. Learned public prosecutor opposed this application on the ground that main accused Vishnu took victim to DK Cafe. The applicant Datta Raut and one Kishor Gawande run said cafe. Applicant provided rooms to customers for such illicit activities. The applicant is involved in the crime as he assisted to main accused. Victim is a child, therefore this offence is serious. The applicant may influence witnesses, the investigation is in progress.

4. At the time of hearing of bail application of Vishnu, the informant and victim appeared and submitted that they have no objection to release Vishnu on bail.

5. I have thoughtfully considered submission of both sides. The act of sexual penetrative offence was consensual. The main accused Vishnu is granted bail yesterday in Criminal Bail Application No.150 of 2026. Therefore this applicant also can be released on bail. Hence I pass following order.

ORDER

1) Criminal Bail Application No.161 of 2026 is allowed. The applicant is released on executing bond of Rs.20,000/- with a surety of like amount subject to following conditions:

- (a) The accused/applicant shall not tamper with evidence.
- (b) He shall attend trial regularly.

Date : 23/06/2026.

(V. G. Raghuwanshi)
Additional Sessions Judge,
Yavatmal