

Order Below Exh.04
[Passed on 14th day of January, 2026]

1. By this application accused Baban Dattuji Khandare is seeking bail under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023. The applicant came to be arrest on 05/09/2025 in connection with Crime No.596/2025 registered with Police Station Babhulgaon, Dist. Yavatmal for the offence punishable under Sections 333, 64, 65(1), 351(3) of the Bharatiya Nyay Sanhita, 2023 and 4, 8, 10 and of the POCSO Act.
2. The crime is registered on the basis of report lodged on 05/09/2025 on an allegations that the complainant and accused are neighbors, due to which the accused used to visit the house of complainant. The complainant has a Bhajan Mandal and keeps musical instruments in her bedroom, therefore, the accused used to come her house regarding those instruments. On 04/09/2025, when the complainant and her husband out of home for work. The complainant received a phone call from one Kishor Meshram and her daughter also informed her that her daughter was watching TV at that time, accused came her home and entered the room where musical instruments were kept. The accused called her daughter inside by saying that the amplifier box was not show him. When victim/daughter of complainant entered in the room, at that time, the accused

grabbed minor victim and started sexually abusing. The accused outraged the modesty of victim. After the report was lodged as usual the investigation was carried out and during investigation, it transpired that the allegations in the complaint were well founded. Therefore, after completion of investigation the charge-sheet was filed before the Special Court, Yavatmal.

3. On going through the record it appears that the accused was arrested on 05/09/2025 and since he is in custody.
4. The accused is coming before this court for grant of bail on the ground that the investigation is completed and the charge-sheet is filed. He has no criminal antecedent. The FIR appears to be concocted one the complainant has concealed the real incident. The accused is innocent. Further the trial is yet to be commenced and likely to take considerable time to conclude. The fundamental right of the accused is infringed.
5. The learned APP had filed reply vide Exh.6 inter alia contending that the offence is serious one. The accused outraged the modesty of victim. Prima-facie involvement of present accused is well founded. The accused is neighbor of victim and therefore, the possibility of tampering the witnesses cannot be ruled out. On these grounds he opposed the bail.
6. Heard the learned counsel for the applicant/accused. He reiterated the grounds as stated in the application and

further contended that the accused is falsely involved in the matter. After going through the FIR the complainant is not having any knowledge about the incident. The informant falsely involving the accused in this matter. The investigation of crime is completed. The medical examination of the victim and accused is also done. Nothing is there to keep him behind bar. The trial will take its own time. The applicant being sole earning member his family will be put in starvation. The main witnesses are interested witnesses therefore, the aspect of tampering will not be there. Therefore, he prayed to grant bail.

7. The learned APP has strongly opposed the bail application on the ground that the crime committed by the applicant is serious, in nature. The possibility of giving threatening and repeating the crime in this matter cannot be ruled out. The possibility of tampering cannot be ruled out. As the offence is serious one and the crime committed is of against minor victim, releasing the accused on bail will have impact on the trial. Therefore, requested to reject the application.
8. After going through the chage-sheet placed on record, it appears that the accused has committed this serious offence repeatedly. The victim is only 13 year of age and the accused had taken undue advantage of his closed relations and committed the said crime. The accused had committed a serious offence of penetrative sexual intercourse. Therefore, in my view, the involvement of the

accused in the crime is prima-facie seen. Considering the gravity of the offence, the present accused has committed serious crime against minor victim.

9. The witnesses are residing in the same town and possibility of the threatening and tampering to the witnesses can not be ruled out. After going through the entire charge-sheet, it appears that the accused entered in the house of complainant and penetrative sexual assault of minor victim. Therefore, at this stage, releasing the accused on bail in the society will not served the purpose of giving liberty to the accused, when the crime is such a nature. Therefore, in my view, applicant is not entitled for grant of bail.
10. So far as the contents of the counsel for the accused to the extend that the trial will take time, this fear of the counsel for the accused canbe taken care by expediting the present matter. Already charge-sheet is filed and draft charge also filed by PP. Accordingly, I proceed to pass following order.

ORDER

- 1) The application is rejected.

Dated :14/01/2026.

(Shekhar C. Munghate)
Sessions Judge, Yavatmal

Certificate

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

Name of Stenographer :- R.S. Wanjari.
Stenographer Grade I.
Court name :- Principal District & Sessions Court,
Yavatmal.
Date :- 03/01/2026
Judgment signed by
Presiding officer on :- 03/01/2026
Judgment uploaded on :- 03/01/2026

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