

Spl.Case No.1/2026,  
State Of Maharashtra P.S.O  
P.S.Wani.  
-Vs-  
Nabi Gulam aka Sahil aka  
Chhotu Rajab Ali.

**ORDER PASSED BELOW EXHIBIT-2**

(Date : 18/02/2026)

This application has been filed by applicant/ accused for grant of regular bail in this trial arising out of Crime No. 659/2024 with police station, Wani under Section 137(2), 64(2) (d), 69 of Bharatiya Nyaya Sanhita, under Section 3(1)(w)(i), 3(1) (w)(ii), 3(2)(v), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short S.C. and S.T. Act) and under Section 3(a), 4, 5(l), 6 of The Protection of Children From Sexual Offences Act. As recording capacity of audio-video system installed, recording of the hearing has not done.

02. Heard learned Advocate for the applicant/accused Mr. R. K. Sheikh and learned APP Mr. P. A. Mankar. Also heard the complainant and victim when filed the say. Perused the application, say given by victim and complainant at Exh.5, say given by learned APP overleaf and the entire charge-sheet including record of the trial.

03. Upon considering rival submissions in the light of material emerged, it appears that at the outset it is pertinent to

note that this is the second offence committed by the accused against the same victim within short span of time after releasing on bail on earlier occasion in Crime No. 680/2023 which arises out of Spl. Case No. 81/2023 registered under Section 363, 366, 376(3), 376(2)(n) of Indian Penal Code along with Section 3(a), 4, 5(l), 6, 16 and 17 of POCSO Act along with Section 3(1)(w) (i), 3(1)(w)(ii), 3(2)(v), 3(2)(va) of S.C. and S.T. Act. Besides this, it is pertinent to note that victim is a minor and thus comes under the scope, ambit and definition of 'child' under POCSO Act. Thus, her consent in any manner is immaterial and irrelevant. Considering all attending facts and the manner in which said crime is committed, there are ample chances of hampering or tampering the victim again.

04. Considering entire material emerging from the charge-sheet, there is strong and prima-facie material available against the applicant. Offences are grave and serious in nature. By committing this crime it seems that applicant has breached the bail conditions imposed in previous crime which is also against the same victim. Thus, it appears that applicant/accused has misused the liberty given in previous trial while on bail by committing this crime.

05. Considering all attending facts and circumstances, seriousness and gravity of the crime and in view of fact that this is the second offence committed by the accused against same

victim taking the disadvantage of her vulnerability, the applicant is not entitled to be released on bail although investigation is completed.

06. Learned A.P.P. submits that he is ready to expedite the trial and would make efforts to complete it as early as possible in an expeditious manner. Considering entire material emerged on record, no case is made out by the applicant to release him on regular bail. Thus, the application is liable to be rejected. As a consequence, the following order -

**ORDER**

Application Exhibit 2 stands **rejected**.

(Dictated and pronounced in open court today)

Date : 18/02/2026.

(A. M. Deshmukh)  
Special Judge-1 &  
Additional Sessions Judge,  
Kelapur, Dist. Yavatmal.