



CRI Bail Appln. No. 152/2026
CNRMHPU310003712026
Indapur Police Station
C. R. No. 334/2026

Ajinath @ Bapu Laxman Kakade Vs. State

Oral order below application for regular bail
(Passed on 10.07.2026)

1. This is an application moved, through e-filing, by accused **Ajinath @ Bapu Laxman Kakade** seeking his release on regular bail in connection with Crime bearing No. 334/2026 under Sections 376, 384, 354-c, 354-D, 323, 504 & 506 of Indian Penal Code (for short 'IPC') and under Sections 4, 8 & 12 of the Protection of Children From Sexual Offences Act, 2012 (for short 'POCSO'), which came to be registered at Indapur Police Station.

2. The brief facts, which led to the registration of FIR, can be summarized as under -

That FIR dated 30.05.2026 came to be lodged by victim girl at Indapur Police Station alleging that Ajinath Kakade was her close relative and therefore, he used to frequently visit her house. In the year 2021, while she was present alone in the house he expressed his love for her and assured to marry. She expressly denied to have any relationship and therefore, he physically assaulted and also threatened to kill her & her family members. He also snapped two photographs and committed sexual intercourse with her, against her wish. He threatened her that he would publish

those photographs, if she disclosed the occurrences between them. In 2022-23, he again threatened her to publish those photographs, if she failed to marry him and took her to Renuka Lodge as well as Swamiraj Hotel, where he committed sexual intercourse with her. On 04.12.2024, he again threatened her and took her to Shri Sant Dnyaneshwar Mangal Karyalaya at village Vadjan of Satara District and performed marriage with her. On 01.05.2026, he asked her to bring Rs. 50,000/- from her father. Being fed up with the mental and physical harassment, she disclosed the entire occurrences to her parent. Making such allegations she lodged the FIR. Accordingly, crime as above came to be registered at Indapur Police Station. During the course of investigation he came to be arrested on 31.05.2026 and at present he is in judicial custody.

3. Accused Ajinath has moved the present bail application contending that he is innocent and has not committed any offence as alleged in the FIR. There is inordinate delay in lodgment of the FIR. The victim girl has out of her free will performed marriage with present accused and also informed the same to her parent. As her parent forced her to take divorce, the present false FIR came to be lodged. Nothing is to be recovered or discovered on his pointing of and the investigation is practically over and as such, extension of his judicial custody is unwarranted. He has fixed place of residence and will not abscond, if released on bail. Similarly, he is ready to abide by all the terms and conditions of the bail. On these grounds, granting of the application has been prayed.

4. The application has been resisted by PSI Shri Vilas Nale as well as Ld. APP Shri. Prasanna Joshi by filing reply respectively below Exh. 8 & 9. It is alleged that the offences as detailed in the FIR and some of the investigation papers have been committed by accused. If released on bail, he will either abscond or tamper with the evidence or endanger the life of the victim girl. On these grounds, rejection of the application has been prayed for.

5. The informant victim girl appeared in the matter and filed her affidavit-cum-reply below Exh. 6 and resisted the application by raising more or less same grounds as have been & raised in the reply filed below Exh. 8 & 9.

6. Heard learned advocate Shri Mahesh Arjun for the accused and Ld. APP Shri Prasanna Joshi for the State. The informant victim girl remained absent for submitting argument. Perused the application and the documents filed along with the application the reply as well as some of the investigation papers, which came to be manually tendered on record just for the purpose of decision of the present application. The submissions of both the sides were nothing but replica of the contents of application and reply.

7. I have carefully gone through submissions of both the sides and record. The FIR would go to show that once in her house and at multiple times at different lodges there were sexual intercourse between the victim girl and the present accused, which were, according to victim girl, against her wish and under threat. It

appears that during such episodes, she did not raise any hue and cry or tried to contact anybody including her parent for having help. The first of such episode alleged to have taken place in the year 2020-21 and thereafter for five years she kept mum. The accused has placed on record several photographs and chatting on whats app, which certainly go to show that there was close intimacy between them for long time. Even, there is material placed on record by the accused to show that there was registered marriage between them, after she attained the age of majority. This will clearly show that there was consent on her part for having sexual intercourse though she stated in her statement that it was against her wish. It appears that she was mentally mature to know the consequences of her acts though she was technically minor. It appears that after the alleged demand of amount of Rs. 50,000/- by the accused from her father, the present FIR came to be lodged. In the considered view of this Court, the above discussed aspects are certainly favorable and mitigating circumstances for taking liberal view in grant of bail to the present accused.

8. In this respect, we can have useful reference of the following two case laws -

(a) **Sunil Mahadeo Patil vs. State of Maharashtra** in the bail application No.1036/2015 decided on 3.8.2015 by Hon'ble High Court, wherein following observations have been made -

“A wrong doer is to be punished, guilty is to be convicted. However, at the stage of bail, the Court has to consider prima facie under what circumstances the offence is committed by the accused. In the criminal law, the Court cannot ignore the intention or motive behind the act and that is an important factor in the

commission of offence so also to decide the quantum of sentence at the end of trial, so in the case of bail”

“12. The overall considerations while deciding such applications can be summed up as-
when a boy and minor girl are in love with each other and chose to live together without consent of their parents, then the following factors are to be considered :

- (i) What is the age of the prosecutrix, who is minor,*
- (ii) Whether the act is violent or not.*
- (iii) Whether there are antecedents or not.*
- (iv) Whether the offender is capable of repeating the Actor not.*
- (v) Whether there is likelihood of threats or intimidation, if at all the boy is released.*
- (vi) Whether any chance of tampering with the material witnesses when their statements are recorded.*
- (vii) It is also to be taken into account in such cases that a boy in his early 20's deserves to get employment and to plan, stabilize and secure his future.”*

(b) **Anirudha Radheshyam Yadav vs. State of Maharashtra**, Cri. Bail Appln. No. 2632 of 2019 decided by Bombay High Court dt. 09th January 2020, wherein it is observed that -

“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.”

In view of the above position of law liberal view needs to be adopted.

9. Admittedly, since 31.05.2026 the accused is behind the bars. The investigation is on the verge of completion and filing of charge sheet has remained to be an empty formality. Now nothing is to be seized or recovered on the pointing out by the accused. His further detention in Judicial Custody appears to be unwarranted. The Investigation Officer, Ld. APP as well as the victim girl while opposing the bail application have mainly resisted the application by contending that in the event of granting bail the accused may tamper with the evidence and endanger life of the victim girl and as such rejection of the application has been prayed. I have carefully considered this aspect and the record. In the background of the case, which has been elaborately observed in the above Paras, by this Court the apprehension raised by them appears to be without any foundation. However, still stringent conditions can be imposed against the accused to protect the interest of victim girl. Having regard to the special facts and peculiar circumstances of the matter, compelling the accused to remain in judicial custody till the conclusion of trial would serve no purpose. Similarly, accused has a fixed place of residence and therefore, there is least possibility of his abscondance. Apart from this, there is no criminal antecedent and he is ready to abide by all the terms and conditions put by this Court while granting bail. Having regard to all the above discussed aspects as well as the case laws discussed above, it appears to me that no fruitful purpose would be served by putting the accused behind the bars, till the conclusion of the trial, which may take sufficient long time and the rejection of bail may amount to pretrial conviction. Thus, having regard to the total circumstances, in the considered

view of this Court, the application deserves to be allowed. Hence, the following order is passed to meet proper ends of justice.

ORDER

1. The bail application No. 152/2026 in Crime No. 334/2026 under Sections 376, 384, 354-c, 354-D, 323, 504 & 506 of Indian Penal Code (for short 'IPC') and under Sections 4, 8 & 12 of the Protection of Children From Sexual Offences Act, 2012 (for short 'POCSO'), which came to be registered at Indapur Police Station, is allowed as under -
2. Accused **Ajinath @ Bapu Laxman Kakade** be released on bail on furnishing P.R. and Surety Bond of Rs. 50,000/- on following conditions -
 - a) The accused shall not tamper the prosecution evidence in any manner.
 - b) He shall not try to contact, by any mode, the victim girl till conclusion of the trial.
 - c) He shall assist the Investigation Officer in the investigation as an when called under written intimation.
 - d) He shall not enter the territorial jurisdiction of Indapur Taluka for next six months.
3. As per District and Sessions Court, Pune Circular dated 06/02/2025, this order be communicated to accused through Jail Authority, by E-mail.

Date :10.07.2026

U.M. Mudholkar
Additional Sessions Judge,
Indapur, Dist. Pune

CERTIFICATE

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	Smt. U. S. More Stenographer Grade I
Name of Court	Shri. U. M. Mudholkar, District Judge 1 and ASJ, Indapur, Dist. Pune.
Date of Order	10.07.2026
Order signed by PO on	10.07.2026
Order uploaded on	10.07.2026