

MHCC020099102026



IN THE SPECIAL COURT FOR PROTECTION OF CHILDREN FROM
SEXUAL OFFENCES ACT, 2012, AT FORT GR. BOMBAY

ORDER BELOW EXHIBIT-04 (BAIL APPLICATION)

IN
SPECIAL CASE NO. 1166 OF 2026
IN
REMAND APPLICATION NO. 619 OF 2026

The State of Maharashtra,
(Through Mahim Police Station, Mumbai) ... Complainant/State
Versus
Nayan Narayan Kadam ... Accused

Appearance :-

Ld. Special Public Prosecutor Mrs. Pranjali Joshi for Complainant/State.
Ld. Advocate Mr. Abhishek A. Satpute for Accused.

CORAM :- HER HONOUR JUDGE,
A. S. WAIRAGADE,
The Designated Court under
Protection of Children from
Sexual Offences Act, 2012.
(COURT ROOM NO.33)
DATE :- 14th August, 2026

A) Case details:

1. FIR number and date 256/2026, dated 20-04-2026
2. Police Station Mahim Police Station, Mumbai

3. Sections invoked

1. Section 64(1)
2. Section 64(2)(i),
3. Section 64(2)(m),
4. Section 69,
5. Section 74,
6. Section 137(2) of BNS
7. Section 4 of POCSO Act.
8. Section 6 of POCSO Act.
9. Section 8 of POCSO Act.
10. Section 12 of POCSO Act.

4. Maximum
Punishment
prescribed

1. Imprisonment which may extend to imprisonment for life.
2. Imprisonment which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life.
3. Imprisonment which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life.
4. Imprisonment which may extend to Ten years.
5. Imprisonment which may extend to Five years.
6. Imprisonment which may extend to Seven years.
7. Imprisonment which may extend to imprisonment for life.

8. Imprisonment which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person.

9. Imprisonment which may extend to Five years.

10. Imprisonment which may extend to Three years.

B) Custody and procedural compliance

- | | |
|--------------------------------------|-----------------------|
| 1. Date of Arrest | 28-04-2026 |
| 2. Total period of custody undergone | 03 Months and 17 Days |

C) Status of trial :

- | | |
|--|------------|
| 1. Stage of proceeding | Appearance |
| 2. Total number of witnesses cited in the charge-sheet | 16 |
| 3. Number of prosecution witnesses examined | Nil |

**D) Criminal antecedents :
FIR and Police Station
Sections
Status**

Nil
Nil
Nil

E) Previous bail applications :

- | | |
|--------------------|-----|
| 1. Court | Nil |
| 2. Case number | Nil |
| 3. Outcome of case | Nil |

F) Coercive process :

- | | |
|--|------|
| 1. Whether any non-bailable warrant was issued | N.A. |
| 2. Whether declared a proclaimed offender | N.A. |

(O R D E R)

(Dictated and pronounced in the open Court)

Accused has preferred this application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) for releasing him on bail. This application has been preferred after filing of charge-sheet. Accused came to be arrested in Crime No. 256 of 2026 registered with Mahim Police Station, Mumbai for the offences punishable under Sections 64(1), 64(2)(i), 64(2)(m), 69, 74, 137(2) of the Bhartiya Nyaya Sanhita read with Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offence Act, 2012.

2. Heard learned Advocate Mr. Abhishek Satpute for accused. Perused the say of I.O. vide Exhibit-04/A, heard learned Special Public Prosecutor Mrs. Pranjali Joshi for State. Also perused the say of Victim vide Exhibit-04/B.

3. It is submitted on behalf of accused that accused is innocent and falsely implicated in the present case and has not committed any offence as alleged in the F.I.R. The victim is in the habit of leaving her house without informing anyone. The F.I.R. about the same given by the grand mother of victim is annexed on record. The history narrated by the victim to the medical officer shows that due to the physical abused by her father, the victim had left her house. The medical history further shows that the victim did not consent for medical examination. The victim voluntarily left her house and went to her friends house. The victim voluntarily accompanied the accused, the C.C.T.V. footage are not procured. As the victim has refused medical examination, it suggest that there was no physical intimacy between

accused and victim. The victim had given false identity at the guest house. Now, the charge-sheet is filed, therefore further physical custody of accused is not required. Accused is a young age person having bright future and does not have any criminal antecedents. Accused is ready to abide by all the terms and conditions of bail. Hence, considering this fact, the accused prayed for releasing him on bail.

4. The prosecution filed say below Exhibit-04/A and resisted the bail application on the ground that the offence levelled against the accused are very serious in nature. Accused has taken advantage of a minor girl and sexually assaulted her. If the accused is enlarged on bail, he might threaten, pressurize and induce the victim. Considering these facts the prosecution prayed for rejecting the bail application of accused.

5. The victim filed say below Exhibit-04/B and strongly objected for enlarging accused on bail in the same line as that of the prosecution.

6. Perused the charge-sheet and documents filed on record. It is seen that the report is given by father of victim alleging that victim aged 16 years old is his daughter and in the year 2022 his wife died and on 19-04-2026, when he returned home, he did not find victim in his house, therefore, he searched the victim in the vicinity with the relatives, but she was not found, report was given. In the present matter when the victim was found, she stated that on 19-04-2026, she went to meet her friend and when she came to know that her father was searching for her, she did not return back home due to fear that her father would beat her. On the same night at about 08:00 p.m. she met the present accused and went with him to Girgaon Chowpaty and he

took her to one lodge and had physical relations with her. On the next day, accused gave her Rs. 100/- and sent her back to her father. But as the victim was afraid of her father, she did not return back and used to sit in one garden near Churchgate station. On 27-04-2026, the victim called her father and informed that she was at Churchgate.

7. In the present matter, the victim is 16 years old and had voluntarily left her house and she was having sufficient maturity and understanding about her acts and deeds and the consequences thereof. Now, the charge-sheet is filed, therefore, physical custody of the accused is no more required. The accused is in jail since 28-04-2026, The trial would take its own course and it would not be proper to keep the accused in jail indefinitely. For the apprehension that the accused might threaten, pressurize and induce the witness, I think that by imposing stringent condition will suffice the purpose. Hence, the following order :-

ORDER

- 1] Application Exhibit-04 in Special Case No. 1166 of 2026 is hereby allowed.
- 2] Accused namely **Nayan Narayan Kadam** be released on bail on his executing P.R. bond of **Rs.50,000/- (Rs. Fifty Thousand only)** with **one or two solvent sureties in the like sum** in connection with Crime No. 256 of 2026 registered with Mahim Police Station, Mumbai for the offences punishable under Sections 64(1), 64(2)(i), 64(2)(m), 69, 74, 137(2) of the Bhartiya Nyaya Sanhita read with Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offence Act, 2012.

- 3] The accused shall remain present in the Court on every fixed date.
- 4] The accused shall not leave the jurisdiction of the Court without prior permission of this Court.
- 5] The accused shall not pressurize, threaten, induce the victim as well as prosecution witnesses.
- 6] The accused shall not enter the locality where the victim and her family reside till the conclusion of trial.
- 7] The accused shall furnish their current address proof and latest photograph so also their mobile phone numbers.
- 8] **Inform the accused via Jail Authority.**

Date :- 14-08-2026

(A. S. Wairagade)
Special Judge POCSO,
Court Room No.33
City Civil & Sessions Court,
Greater Mumbai

Date of Dictation : 14-08-2026
Date of Transcription : 14-08-2026
Date of signature : 14-08-2026

<u>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</u>		
Upload Date	Upload Time	<u>Name of the Stenographer</u>
14-08-2026	02:59 p.m.	Mr. Jitesh Suresh Shinde, Stenographer (Grade-I)
Name of the Judge (With C.R. No.)		H.H.J. A. S. WAIRAGADE (COURT ROOM NO.33)
Date of Pronouncement of JUDGEMENT /ORDER		14-08-2026
JUDGEMENT /ORDER signed by P.O. on		14-08-2026
JUDGEMENT /ORDER uploaded on		14-08-2026