

CNR:- MHAK010028242026 	Presented on	13.07.2026		
	Registered on	14.07.2026		
	Decided on	28.07.2026		
	Duration	0 Y	0 M	14D

<u>BEFORE THE SPECIAL COURT (POCSO) AT AKOLA.</u>		
Presided over by : P. B. Naikwad, Special Judge		
CRI. BAIL APPLICATION NO.604/2026		
APPLICANT/ ACCUSED	Sevanand Mahadeo Tayade Age : 45 Years, Occ. : Labour, R/o. Nakashi, Tq. Balapur, Dist. Akola.	
REPRESENTED BY	Shri C. N. Wankhade, Ld. Advocate.	
<u>VERSUS</u>		
NON-APPLICANT	1.	XYZ (Victim) Police Station Balapur, Tq. Balapur, Dist. Akola
	2.	State of Maharashtra Through PSO PS Balapur, Tq. Balapur, Dist. Akola
REPRESENTED BY	Spl. P.P. Shri K. B. Khot	

<u>Case Details.</u>		
FIR Number and Date	:	480/2026 Dated 01.07.2026
Police Station, District & State	:	Balapur, Tq. &, Dist. Akola

Sections invoked	:	74, 75, 352 of The Bharatiya Nyaya Sanhita, 2023 r/w Section 8, 12, 9(L), 9(N), 10 of The Protection of Children from Sexual Offences Act, 2012
Maximum punishment prescribed	:	7 Years Imprisonment
<u>Custody and Procedural Compliance.</u>		
Date of Arrest	:	01.07.2026
Total Period of custody undergone	:	27 days
<u>Status of Trial.</u>		
State of Proceedings	:	Investigation is in progress.
Total number of witnesses cited in charge sheet	:	Chargesheet yet to be filed.
Number of prosecution witnesses examined	:	Nil.
<u>Criminal Antecedents.</u>		
F.I.R. No.	:	Nil
Sections	:	Nil
Status	:	Nil

<u>Previous Bail Applications.</u>		
Court	:	None
Case No.	:	None
Outcome of the case	:	None
<u>Coercive Procedures.</u>		
Whether any non bailable warrant was issued?	:	No.
Whether declared a proclaimed offender?	:	No.

ORDER BELOW EXH.1
(Passed on 28.07.2026)

Perused the application and say filed by learned APP and I.O. vide Exh.5 so also victim vide Exh. 9. Heard both learned counsels.

2) Applicant has filed the present application for releasing him on bail for the offence punishable under Sections 74, 75, 352 of The Bharatiya Nyaya Sanhita, 2023 r/w Section 8, 12, 9(L), 9(N), 10 of The Protection of Children from Sexual Offences Act, 2012 registered with P.S. Balapur, Tq. Balapur, Dist. Akola vide crime No.480/2026.

3) It is the case of prosecution that, on 30.06.2026, applicant/accused who is father of victim had outraged the

modesty of victim by pressing her breast. Prior to this also on two occasions he had outraged her modesty. Therefore victim informed about the same to her mother and then lodged present report. Accordingly, accused came to be arrested.

4) Learned counsel for applicant/accused argued that, applicant/accused is in jail since 01.07.2026. The investigation is almost completed. Victim is aged 18 years and major. There is dispute between applicant and his wife. Their matrimonial dispute is going on since last 5 years. Therefore wife of applicant is residing separately from applicant. Whereas victim daughter and one son are residing with applicant. However, due to strain relations, the wife of applicant lodged this false report through her daughter against applicant. No such incident had taken place. There is also inordinate delay in lodging FIR. Investigation is completed. Further detention of accused in jail custody is not required. He is not having any criminal antecedents. Hence application be allowed.

5) Learned APP and I.O. so also victim by their say strongly opposed the application. Learned APP submitted that, the offence is heinous one. Victim is daughter of applicant. Under the influence of liquor, he outraged her modesty more than once. There is no reason for daughter to make such allegation against father. Therefore considering serious nature of offence, applicant is not entitled to bail. If he is released on bail, then commission of similar crime and tampering with prosecution witnesses cannot be ruled out. Hence application be rejected.

6) Having regard to the submissions made by both learned counsels so also the say of victim and after going through the case diary and matter on record, I found that, from FIR itself it is prima facie clear that, there is dispute between the applicant and his wife and his wife is residing separately from him. FIR also disclosed that, however the victim daughter and her brother i.e. Sachit are residing with applicant. It means that the wife of applicant has deserted all of them and is residing separately. Therefore considering these facts on record, the submission made by learned counsel for applicant cannot be disbelieved.

7) Moreover, the investigation is almost completed. The accused was directly sent in judicial custody. Nothing is to be recovered from him. No purpose will be served by his further detention in jail custody. It also appears that, since the alleged incident victim is residing with her mother at Akola. Whereas applicant is resident of Nakashi, Tq. Balapur. Therefore question of tampering with prosecution witness also does not arise.

8) So far as apprehension regarding commission of similar crime by applicant is concerned, imposition of certain conditions will suffice the purpose. Moreover, victim is now aged more than 18 years. Therefore in view of the same and considering delay in lodging report, applicant is entitled to bail. Hence the following order.

ORDER

1. Application is allowed.

2. Applicant/accused Sevanand Mahadeo Tayade, R/o. Nakashi, Tq. Balapur, Dist. Akola be released on his executing P.B. of Rs. 50,000/- with solvent surety of like amount in Crime No. 480/2026 registered with PS Balapur, Tq. Balapur, Dist. Akola for the offence punishable under Sections 74, 75, 352 of The Bharatiya Nyaya Sanhita, 2023 r/w Section 8, 12, 9(L), 9(N), 10 of The Protection of Children from Sexual Offences Act, 2012.
3. Applicant/accused shall not tamper with prosecution witnesses and shall not contact in any manner with the informant/victim.
4. He shall not enter the village and vicinity where the informant/victim resides till further order and shall not commit any other crime.
5. Applicant/accused shall visit Police Station Balapur every Sunday in between 11.00 a.m. to 2.00 p.m., till filing of charge-sheet.
6. Copy of this order be forwarded to Superintendent of Jail, Akola by e-mail for information and necessary action.

Akola
Date:- 28.07.2026

(P. B. Naikwad)
Special Judge (POCSO),
Akola