

BAIL APPLICATION NO.19 OF 2026

- Mr. R. G. Hange, advocate for applicant.
Mr. A. R. Kale, APP for respondent/State.
Mr. S. R. Zambre, advocate for respondent no.2

Pronounced on : 17th March, 2026.

1. The applicant seeks regular bail in connection with Special case (POCSO) no.96 of 2025 pending before the Special Judge (POCSO), Beed in connection with crime no.50 of 2025 registered with Neknoor Police Station, for the offences punishable under sections 75, 65(2) of the BNS and sections 4, 6, 8, 12 of the Protection of Children from Sexual Offences Act (for short POCSO Act).

2. The investigation was set in motion on the basis of information given by respondent no.2. She states that, she has two daughters. Accused resides opposite to house of informant and usually visits her

home. She states that behaviour of accused/applicant was unwelcoming for ladies. On 13.3.2025 her daughters had been to school and she alongwith her husband was working in the field. Her father and mother-in-law were at home. At about 6 p.m. when she returned home, her father and mother-in-law informed that at about 3 p.m. applicant took daughters to his house. When they peeped in the house, they noted that applicant had removed clothes from the persons of daughter and he was sleeping over her. When they knocked the door of applicant's home, he opened the door. Daughters came out with their clothes in hand. They were crying. When elder daughter was asked about incident, she told that applicant offered them chocolates and took inside his home. He removed their clothes and slept on them. FIR further states that, applicant indulged in the similar activities with some other girls. Aforesaid information was culminated into registration of crime no.50 of 2025 for offences punishable under sections 75, 65 (2) of the Penal Code read with section 4,6, and 12 of the POCSO Act. The applicant has been arrested in pursuance to the aforesaid crime on 16.3.2025. Since then, he is behind bar.

3. Mr. Hange, learned advocate appearing for the applicant raised two fold contentions. He submits that alleged offences are punishable with maximum punishment for five years. No offence can be made out under section 65 (2) of the BNS or sections 4, 6 of the POCSO Act

in the facts of the case. Medical evidence does not support case of the prosecution. Mr. Hange, further submits that applicant was not informed about grounds of arrest and, therefore, applicant is entitled for bail. He would submit that the applicant is languished in jail for more than one year by this time. Trial would take its own course. Further detention of the applicant would not be necessary. There are no criminal antecedents to his discredit.

4. Mr. A R Kale, learned APP and Mr. Zambre, learned advocate appearing for the respondent no.2 vehemently opposed the bail application stating that, applicant involved in commission of heinous offences. Three minor girls were sexually molested. Release of the applicant would hamper smooth trial.

5. Having considered submissions advanced by learned advocates appearing for respective parties and on perusal of material in charge-sheet, apparently, applicant is charged for the offences against three minor girls about 4, 5 and 10 years. Statement of all three victims are recorded under section 183 of the Cr.PC. before the Magistrate. All three victims have consistently stated about overtact of the applicant. One of victim clearly deposed that applicant removed her clothes and slept on her and touched on her chest.

6. Medical examination of one of the victim shows redness and swelling on peri-hymenal and para-urethral region. Provisional

opinion states that sexual violence cannot be ruled out. Prima-facie there is sufficient material to show involvement of the applicant in commission of offence.

7. Although, learned advocate appearing for the applicant submits that grounds of arrest were not communicated to him, and, therefore, he is entitled to be enlarged on bail. This Court finds that such ground was never raised when applicant was arrested and first time sought to be raised in present application. Even otherwise, the documents appended to charge-sheet shows that applicant was communicated that for the purpose of medical examination, his arrest is necessary.

8. In that view of the matter, this Court finds no reason to entertain the application for bail. In the result, application stands **rejected.**

(S. G. CHAPALGAONKAR)
JUDGE

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