

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2307 OF 2025

NIKITA
KAILAS
DARADE
Digitally signed
by NIKITA
KAILAS DARADE
Date: 2025.06.24
21:10:14 +05'30'

Manoj @ Manojkumar @ Avinash
Murlidhar Mali ... Applicant
V/s.
The State of Maharashtra and Anr. ... Respondents

Mr. Dilip B. Shinde a/w Mr. Mohan C. Kumbhar for the
Applicant.

Mr. P. H. Gaikwad, APP for the State.

Mr. Somnath Thengal, for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 24th JUNE, 2025

P.C.:

1. Heard Mr. Dilip Shinde, learned Advocate for the Applicant and Mr. P. H. Gaikwad, learned APP for the State. Mr. Somnath Thengal, learned Advocate appears on behalf of Respondent No.2. He assures the Court to file his Vakalatnama in the Registry by the end of the day. Statement is accepted.

2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No. 57 of 2025 registered with Kavathe Mahakal Police Station, Sangli, for the offences punishable under Sections 118(1), 115(2), Sec. 351(2), 351(3), of BNS Act, and Section 8 of Protection of Children from Sexual

Offences Act, 2012.

3. Case of the prosecution is that the Respondent No.2 (Victim) was physically abused by the Applicant, who is a distant relative of the Respondent No.2. Applicant hugged the Respondent from her back side and groped the chest of the Respondent No.2. Said incident was reported to the police and the aforesaid offence is registered.

4. Applicant was arrested on 20.02.2025, since then the Applicant is in jail.

5. Learned Advocate for the Applicant states that the said C. R. No. 57 of 2025 is now registered as Special Case No.88 of 2025 and is pending on the file of Additional Sessions Judge, Sangli. Bail Application filed by the Applicant in Sessions Case No.88 of 2025 was rejected on 30.04.2025 by Additional Sessions Judge, Sangli.

6. Mr. Dilip Shinde, learned Advocate for the Applicant states that the Applicant has been falsely implicated in the present crime, in view of the dispute between the Applicant and the family of the Respondent No.2. He submits that the cross-complaint has been filed by the Applicant against the family members of the Respondent No.2. He submits that there is no material on record to support the allegations made against the Applicant. He submits that investigation is complete and the charge-sheet has been filed.

7. Learned APP submits that the offence in the present crime is against minor. He states that the Applicant who claims to be the relative of the Respondent No.2 has acted in a manner

unbecoming of a family member. He does not dispute that the Applicant had filed the cross-complaint against the family of the Respondent No.2. He states that the investigation is complete and the charge-sheet is filed.

8. Mr. Somnath Thengal, learned Advocate appearing for the Respondent No.2 submits that the complaint filed by the Respondent No.2 was out of a misunderstanding.

9. I have perused the record with the able assistance of learned Advocates for the parties.

10. Nature of allegations against the Applicant in the present crime is that the Applicant, a family member of the Respondent No.2 hugged the victim and groped the chest of the Respondent No.2. There are eye-witnesses to the crime. Mr. Dilip Shinde, learned Advocate for the Applicant states that the Applicant has been falsely implicated, in view of a family dispute. Learned Advocate for the Respondent No.2 today makes a statement that the complaint filed by the Respondent No.2 was out of a misunderstanding.

11. Be that as it may, the Applicant is in jail since 20.02.2025. Investigation in the said crime is complete and charge-sheet is filed. Considering the situation as referred to herein above, and the nature of allegations, further detention of the Applicant in jail would not be warranted.

12. In view of the above, Bail Application of the Applicant is allowed on the following terms:

- a) Applicant is directed to be released on bail in connection with C. R. No. 57 of 2025 registered with Kavathe Mahakal Police Station, on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge, Sangli.
 - b) Applicant shall regularly appear before the Additional Sessions Judge, Sangli in Special Case No.88 of 2025 on each date of hearing, unless specifically exempted by the Court.
 - c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and should not tamper with evidence.
 - d) Applicant upon release, within 3 days shall furnish to the Investigation Officer, Kavathe Mahakal Police Station his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.
- 13.** The Bail Application No.2307 Of 2025 is disposed off.

(ASHWIN D. BHOBE. J.)