IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4601 OF 2025

Renu Ramurikesh Mandal ...Applicant
Versus
State of Maharashtra & Anr. ...Respondents

Mr. C.K.Talekar, *with Swapnil Bangur, Rudra Patel, Mahesh Thaker, i/b Jainish Jain for the Applicant.*
Ms. Anamika Malhotra, *APP for the Respondent No.1-State.*
Ms. Saili N. Dhuru (Appointed), *for the Respondent No.2.*
Father of the Victim present in the Court.
Mr. Umesh Mahadev Dandile, *PI, Ms. Suvidha Pallelly, API, attached to Goregaon Police Station, present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 19TH DECEMBER 2025

PC:-

1. The Applicant seeks her release on bail in connection with C.R. No. 584 of 2025 dated 16th September 2025 registered with the Goregaon Police Station, Brihanmumbai City for the offences punishable under Sections 64, 65(2) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 4 and

6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO').

2. The First Informant is the mother of the Victim, aged 4 years. According to the complaint made by the First Informant, her daughter was attending *Vibgyor* School near Motilal Nagar No.1, New Link Road, Goregaon (West), Mumbai in the Junior K.G. Class. When the child came home, she told her mother that she had a burning sensation while urinating. Thus, her mother, i.e., the First Informant examined the affected area and noticed slight swelling and redness near her private part. Upon coaxing, her daughter was able to share that one '*Nanny*' in her school, having duty such as taking small children to the toilet and giving them food, etc., hurt her when the child had gone to the toilet. Naturally, the First Informant was worried and concerned about her child and took her to a private doctor at Cloudnine Hospital. The child was examined by Dr. Mansi Verma, Consultant Obstetrician & Gynecologist. Ms. Saili Dhuru, learned counsel

appointed to represent the First informant, tendered the report. The Report indicates that there is no evidence of any injury externally on any body parts. However, there is an impression recorded at the bottom of the Report to the effect that there is an alleged sexual assault based on history and examination, due to fingering. Hence, the First Informant approached the Police and made the complaint, pursuant to which, the FIR was registered and the Applicant was arrested on 16th September 2025.

3. The Applicant made an application seeking bail before the Special Judge under POCSO Act, Sessions Court, Borivali Division, Dindoshi, Goregaon, Mumbai. However, by order dated 20th November 2025, her bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. C. K. Talekar, learned counsel appearing for the Applicant, at the outset, submits that neither the medical report nor any other document, available on record indicates

that the Applicant has committed any offence. He submits that the child although had recognized the nanny, has only stated that the *Nanny* scratched her on her genitals. He submits that the report of private hospital also, records that there is no evidence of any external injury on any of the girls' body parts. He also submits that the Applicant was never present on the day on which the incident is alleged to have occurred. Two other ayyas in the school had taken the girl to the toilet on the day and date as alleged by the First Informant. He further submits that the Applicant has two children and there is nobody to look after them, as the Applicant is in jail. Hence, learned counsel appearing for the Applicant prays that the Applicant be released on bail.

5. On 10th December 2025, this Court had orally requested the Investigating Officer to interview the minor girl and try to get her version independently. Accordingly, the Investigating Officer, API Ms. Suvidha Pallelly, interviewed the girl. She shared a video of the informal interview. I have seen the same.

The IO is in plain clothes. the Child has narrated the incident to the Investigating Officer clearly. It appears that the redness and scratch was caused by a finger ring worn by the Applicant while washing the child's private part after peeing. The girl clearly shared with the IO that the Applicant was rubbing her genitals and her finger ring hurt her.

6. At the outset, I must commend the Investigating Officer for having adroitly conducted the interview with finesse and tremendous sensitivity while urging the child to reveal all. She has handled the girl extremely well y first befriending her and winning her confidence and then expertly urging her to confide in her.

7. As far as the Nanny is concerned, she does not *prima facie* appear to have committed any offence, however, she lacked sensitivity while helping young children wash themselves after urinating and she was doing her job quite rashly. It is upto the school to train their employees, especially those who are in direct contact with the young children, to be

careful and cautious while doing such duties. The school and its employees therein, are vested with the duty of looking after small children such as the young girl herein, must take sufficient care and ensure that such physical touch is avoided at all costs. If at all in unavoidable circumstances, they are required to touch a child in her private part, the same should be done with extreme sensitivity and care.

8. Ms Dhuru, also showed me a video recording wherein the girl's mother is seen to inquire with the child regarding the said incident. I have seen the said recording. It does appear from the said recording that the child was hurt and some amount of redness is seen on her genitals. However, it cannot be said at this stage that this was an act constituting an offence under the provisions of Sections 64, 65(2) of the BNS and under the provisions of the POCSO Act.

9. In totality of the circumstances and considering the fact that the Applicant has 2 children, who are alone, left to fend for themselves, while the Applicant is in jail, I am inclined to

enlarge the Applicant on bail *albeit* on certain stringent conditions, which are as follows:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month on first Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

iv) If the Applicant has not deposited her passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform her latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) The Applicant, shall not take up any employment involving taking care of minor children

in any school or organization, during the pendency of the trial;

x) Similarly, the Applicant shall not enter the area in which the Respondent No.2 and her family reside;

xi) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Since the Trial involves recording of the statement of the minor girl, who is just 4 years of age, the Trial Court is requested to expedite the trial and in any event, make an endeavor to conclude the same within a period of 1 year from the date on which this order is placed before it.

11. Application is allowed in the above terms and is accordingly disposed of.

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the

learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

SHAMBHAVI NILESH SHIVGAN

Digitally signed by SHAMBHAVI NILESH SHIVGAN
Date: 2025.12.22 11:05:34 +0530