

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

CRIMINAL BAIL APPLICATION NO. 1812 OF 2024

Suryakant Inchure ...Applicant

Versus

The State of Maharashtra And Anr. ...Respondents

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Mr. Nikhil Adkine a/w Mr. Avinash Bailmare, Mr. Saurav Dhumal,
Advocate for the Applicant.

Mr. Gunjan Thakkar, Advocate for the Respondent No.2.

Mr. Swapnil V. Walve, A.P.P. for the Respondent No.1 – State.

Mr. Somnath B. Tapare (A.P.I.), Bhosari Police Station, Pimpri
Chinchwad, present.

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CORAM : N. R. BORKAR, J.

DATE : 07th MARCH, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.696 of 2023 registered at Bhosari Police Station, District : Pune for the offences punishable under Sections 376(3),(A,B), of the Indian Penal Code and Sections 3, 4, 5(i), 5(m), 6, 7, 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The First Information Report is lodged by the mother of the victim. The applicant was residing in the neighbourhood of the First Informant. The victim, who at the relevant time was 2 years and 6 months old used to go to the house of the applicant. The allegations against the applicant are of penetrative sexual assault.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent No.1-State and learned counsel for the Respondent No.2.

5. The learned counsel for the applicant submits that due to certain previous disputes, false allegations came to be made. It is submitted that there is nothing in the medical report which would support the prosecution case. It is submitted that the applicant is in jail for one and half years and the trial has not yet commenced.

6. On the other hand, the learned A.P.P for the Respondent No.1-State and learned counsel for the Respondent No.2 submits that the applicant has not produced any material in support of alleged false implication. It is

submitted that, considering the nature of crime, the applicant may not be released on bail.

7. I have perused the medical report. The findings in relation to the External Genitalia are as follows :

Body Parts to be examined	Findings
Urethral Meatus & Vestibule	Normal
Labia Majora	Normal
Labia Minora	Normal
Fourchette and Introitus	Normal
Hymen Perineum	Normal and Intact
External Urethral Meatus	Normal

8. *Prima facie* there is a substance in the submission of the learned counsel for the applicant that there is nothing in the medical report, which would support the prosecution case that the victim was subjected to penetrative sexual assault. The applicant is in jail for one and half years and the trial has not commenced. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

(i) Criminal Bail Application is allowed;

- (ii) The applicant is directed to be released on bail in connection with Crime No.696 of 2023 registered at Bhosari Police Station, District : Pune for the offences punishable under Sections 376(3),(A,B), of the Indian Penal Code and Sections 3, 4, 5(i), 5(m), 6, 7, 8 of the Protection of Children from Sexual Offences Act, 2012, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station once in a month i.e. on first Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)