

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

CRIMINAL BAIL APPLICATION NO. 2405 OF 2024

Ganpat Raghunath Padal ... Applicant.
Vs.
The State of Maharashtra & Anr ... Respondent.

Ms. Shubhangi Parulekar, a/w. Ms. Varsha Bhosale, Advocate for the Applicant.

Mr. Vinod Chate, APP for Respondent/State.

Ms. Shanice Mansukhani, Advocate for the Respondent No. 2.
WPST M.L. Chavan, Chatushrungi Police Station Pune City.

**CORAM : ASHWIN D.BHOBE, J.
DATE : 16th JUNE, 2025.**

P.C. :

1. Heard Ms. Shubhangi Parulekar, Learned Advocate for the Applicant, Mr. Vinod Chate, learned APP for State and Ms. Shanice Mansukhani, learned Advocate for the Respondent No. 2.
2. By this Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant seeks bail in Crime No. 514 of 2022 registered with Chatushrungi Police Station, Pune for offence punishable under

Section 376 of the Indian Penal Code and Sections 4, 8, 12 of the Protection of Children for Sexual Offences Act, 2005 (for short “POCSO Act”). Said crime is now registered as Special Case No. 62 of 2023 and is pending before the learned Additional Sessions Judge(Under POCSO), Pune.

3. Case of the prosecution is that the Applicant has committed sexual assault on the Respondent No. 2 in the year 2013. Said act of the Applicant came to light upon the intervention of a NGO in the year 2022. It is thereafter that the Crime was registered against the Applicant.

4. The Applicant was arrested on 25th November, 2022 and since then he is in jail.

5. Applicant had approached this Court by Bail Application No. 1009 of 2023. By order dated 8th December, 2023 this Court though had dismissed the said Application, however, had granted liberty to the Applicant to apply for bail after 6 months or after recording of the evidence of child witness, whichever is earlier.

6. Ms. Parulekar, learned Advocate for the Applicant submits

that Respondent No. 2 (the child witness) has been examined and cross-examined in the aforesaid Session Case No. 62 of 2023. She submits that in addition to the Respondent No. 2, a panch witness has also been examined. On merits she submits that there is a delay in lodging first information report, delay of which is more than 9 years. To clarify, she submits that the offence is said to have committed in the year 2022. She submits that the medical evidence does not support the allegation of rape as made against the applicant. She submits that now the Respondent No. 2 has been examined, this would be a fit case for release of the Applicant on bail, moreso in view of the liberty granted by this Court in Criminal Bail Application No. 1009 of 2023. She submits that the Applicant does not have any criminal antecedents. She submits that the remaining witnesses enlisted in the list of witnesses would be witnesses having knowledge from the date of registration of the crime ie. since the year 2022.

7. Learned APP submits that the offence in the present crime is against a minor child as such a serious charge. He submits that

the trial has commenced and therefore, the Applicant cannot claim of any prejudice being caused to him.

8. Ms. Mansukhani, learned Advocate for the Respondent No. 2 submits that the Respondent No. 2 is a minor and the Applicant herein is a distant relative of the Respondent No. 2, as such there is apprehension of the Applicant repeating the offence.

9. I have perused the record with the able assistance of the learned Advocates and learned APP.

10. Ms. Parulekar, learned Advocate for the Applicant specifically pointed out to the final opinion in the Medico Legal Examination report of the sexual violence dated 20th August, 2022 conducted on the Respondent No. 2, in support of her contention that the opinion would support the case of the Applicant, in as much as there is no penetrative sexual assault on the Respondent No. 2.

11. Records of the case bear out that the incident as alleged is of the year 2013 and the Crime is registered in the year 2022. Medical report produced on record does not support the case of

penetrative sexual assault on the Respondent No. 2.

12. Trial has commenced and the Respondent No. 2 has been examined. This Court by order dated 8th December, 2023 had granted liberty to the Applicant to apply, after examination of the Respondent No. 2

13. In view of the above and considering the nature of allegation, continuation of the Applicant in custody is not warranted. The Applicant does not have any criminal antecedents. This is therefore a fit case for releasing the Applicant on bail pending trial.

14. In view of the above, the Bail Application is allowed on the following conditions:

(a) The Applicant be released on bail in Crime No. 514 of 2022 registered with Chatushrungi Police Station, Pune, on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the learned Special Judge(under POCSO), Pune.

(b) The Applicant shall attend the trial in Sessions Case No. 62

of 2022 pending before the learned Special Judge(under POCSO), Pune, on each date of hearing, unless exempted.

(c) The Applicant shall not influence or threaten the witnesses or tamper the evidence.

(d) The Applicant shall not leave the State of Maharashtra without prior permission from the learned Special Judge(under POCSO), Pune.

(e) The Applicant shall supply residential address and contact details to the learned Special Judge(under POCSO), Pune within 7 days from his release from jail.

15. The Criminal Bail Application No. 2405 of 2024 is allowed and disposed of.

[ASHWIN D.BHOBE, J.]