

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

BAIL APPLICATION NO. 2690 OF 2024

Vijay Jaywant Vagal	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

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Mr. Bhavik P. Manek, Appointed Advocate (through Legal Aid)
for the Applicant.

Mr. Vinod Chate, A.P.P. for the Respondent No.1 – State.

Ms. Kanchan Pawar, Advocate for the Respondent No.2.

Mr. Udhav Solanke (PSI), Panvel City Police Station, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	06th MAY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.275 of 2022 registered at Panvel City Police Station, District : Navi Mumbai, for the offences punishable under Section 376 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 8, 12, 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').
3. The victim is the daughter of the applicant. The

incident took place on 26.04.2022. On the date of incident, the applicant and victim, who on the date of incident was five years old, were going down by the lift in their building. It is alleged that at that time the applicant touched her private part and inserted finger in her private part.

4. The learned counsel for the applicant submits that initially Section 4 of the POCSO Act was not invoked. It is submitted that the applicant came to be involved in false case due to matrimonial dispute. It is submitted that the applicant is in jail for more than three years and the trial is still at the stage of framing of charge. It is submitted that the medical reports do not support the prosecution case.

5. On the other hand, the learned A.P.P. for the Respondent-State and learned counsel for the Respondent No.2/Victim submit that the applicant has not produced any material in respect of alleged matrimonial dispute. It is submitted that considering the nature of crime, the applicant may not be released on bail.

6. The applicant is in jail for more than three years and the trial has not commenced. Considering the said facts and in

absence of any corroborative evidence, 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.275 of 2022 registered at Panvel City Police Station, District : Navi Mumbai, for the offences punishable under Section 376 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 8, 12, 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not contact the victim or the complainant;
- (iv) 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;
- (v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)