

VRJ

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

BAIL APPLICATION NO.2821 OF 2024

Virendra @ Veeru Ramraj Saroj	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

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Mr. Gaurav Sharma for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for respondent
No.1-State.

Ms. Komal Sinha for respondent No.2-victim
(Appointed as Legal Aid Counsel).

CORAM : AMIT BORKAR, J.

DATED : AUGUST 1, 2025

P.C.:

1. Through this bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), the applicant has sought regular bail in Special POCSO Case No.266 of 2022 which has arisen from Crime Register No.120 of 2022 registered at Vanrai Police Station, Mumbai. The case involves offences under Sections 363, 376, 376(2)(n) of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Sections 4, 6, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "POCSO Act").

2. The prosecution case reveals that the complainant, who is the father of a 13-year-old victim girl studying in 8th standard,

filed a complaint on 13th March 2022. He stated that due to his illness, he had returned home at 12.00 noon and discovered that his daughter was not at home. Upon inquiry with his wife, he was informed that the victim had gone out for some work. When he attempted to contact her on her mobile phone, it was found to be switched off. After making inquiries with relatives, friends and searching at all possible places without success, he lodged a complaint under Section 363 IPC against unknown persons.

3. On 17th March 2022, the police successfully traced the victim from Bhiwandi, Thane, and Vanrai Police Station recorded her statement. According to the victim's statement, she had been in a love relationship with the applicant for one year. On 15th March 2022 at 11.30 a.m., the victim left her home without informing anyone and went to meet the applicant. Together, they travelled to various places including Borivali, Gorai village, Kurla Railway Station, Andheri and Kalyan. From Kalyan, they proceeded to Bhiwandi where they stayed in the room of the applicant's friend, Manoj. During the night between 2.30 a.m. to 4.00 a.m., the applicant allegedly committed sexual intercourse with her three to four times. Thereafter, the applicant left the room on the pretext of going to the washroom and did not return. Manoj then advised the victim to return home and she left the room.

4. While the victim was wandering, a lady took her to her home. At that lady's house, the victim inflicted injury upon herself by cutting her hand with a blade. The lady then admitted the victim to hospital and informed the local Police Station. The applicant was subsequently arrested on 14th April 2022.

5. The learned advocate representing the applicant has submitted that the applicant and the victim were in a live-in relationship. It is contended that the medical evidence on record does not support the prosecution's allegation that sexual intercourse took place between the applicant and the victim. The roznama indicates that the applicant was produced before the Sessions Judge on only two occasions, and therefore, any delay in the trial is entirely attributable to the prosecution. The applicant, having been arrested on 15th April 2022, is entitled to be released on bail.

6. On the contrary, the learned Additional Public Prosecutor and the learned advocate appointed to represent the victim have submitted that the significant age gap between the applicant and the victim must be considered, as the victim was approximately 13 years old while the applicant is a married person with three children, aged 28 years. The victim's statement under Section 161 Cr.P.C. is consistent with her statement under Section 164 Cr.P.C., wherein she stated that she accompanied the applicant to the State of Uttar Pradesh. It was only after the victim's father lodged a missing person report with the police station that a neighbour intervened, following which the applicant absconded after taking the victim's gold ring and mobile phone. It is submitted that the offence alleged against the applicant carries punishment of up to 20 years imprisonment. Therefore, the applicant is not entitled to be released on bail.

7. After careful consideration of the submissions made by both sides and perusal of the case record, this Court finds that the bail

application deserves to be rejected for the following reasons:

8. The allegations against the applicant involve serious offences under the POCSO Act and IPC, including kidnapping and rape of a minor. These are heinous crimes that pose a grave threat to society and particularly to the safety and welfare of children. The offences carry severe punishment including imprisonment up to 20 years, reflecting the seriousness with which the legislature views such crimes.

9. The victim is a 13-year-old minor who was studying in 8th standard at the time of the incident. The applicant, being 28 years old, married with three children, represents a significant age gap and power imbalance. This creates a presumption against the genuineness of any claimed consensual relationship, as a minor cannot legally consent to sexual acts under the POCSO Act.

10. The victim's statements under Section 161 and Section 164 Cr.P.C. are consistent and provide a coherent account of the events. The fact that the victim was missing for several days and was ultimately traced from Bhiwandi, along with her detailed account of the sexual assault, establishes a prima facie case against the applicant.

11. The prosecution has established that the applicant absconded after the incident, taking the victim's gold ring and mobile phone. This conduct demonstrates the applicant's tendency to flee and avoid legal process. His release on bail may encourage him to abscond again or tamper with evidence and influence witnesses, particularly given the vulnerable nature of the victim.

12. The victim is a minor who requires protection from further trauma and intimidation. The release of the applicant may cause psychological harm to the victim and her family. The Court has a duty to ensure that the victim feels secure to participate in the trial process without fear or intimidation.

13. The applicant, despite being married with children, allegedly engaged in an inappropriate relationship with a minor and subsequently committed serious offences. This conduct raises questions about his character and the likelihood of him respecting court conditions if granted bail.

14. The applicant has failed to establish any exceptional circumstances that would warrant his release on bail. The argument regarding delay in trial is not sufficient ground when weighed against the serious nature of the allegations and the need to protect the victim.

15. Considering the totality of circumstances, the serious nature of the allegations, the age of the victim, the prima facie case established by the prosecution, and the risk of the applicant absconding or influencing the victim, this Court finds that it would not be appropriate to grant bail to the applicant at this stage. The bail application is hereby rejected.

16. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)