

Amberkar

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

**BAIL APPLICATION NO. 3418 OF 2024**

Mahendra Kumar @ Mahesh Kumar Varma .. Applicant

**Versus**

State of Maharashtra & Anr. .. Respondents

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- Ms. Rashmi Bhandarkar, Advocate for Applicant
- Mr. Balraj B. Kulkarni, APP for Respondent No. 1 - State
- Ms. Sudhanava Bedekar a/w Ms. Sonali r. Chavan h/f Ms. Gargi Warunjikar, Advocate (appointed) for Respondent No. 2

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**CORAM : MILIND N. JADHAV, J.**

**DATE : APRIL 9, 2025**

**P. C.:**

**1.** Heard Ms. Bhandarkar, learned Advocate for Applicant, Mr. Kulkarni, learned APP for Respondent No. 1 - State and Mr. Bedekar for Respondent No. 2.

**2.** Applicant stands indicted for the offences punishable IPC & POCSO Act. He is arrested on 24.03.2024 and since then he is in incarceration.

**3.** At the outset, Ms. Bhandarkar seeks leave of the Court to amend the Application in order to annex the chargesheet. Leave granted. Let the amendment be carried out within one week from today. Re-verification stands dispensed with. Copy of the amended application be served on the Respondents.

4. The age of the victim is 4 years whereas age of Applicant is 67 years. Ms. Bhandarkar would persuade the Court to consider invocation of provisions of POCSO Act. Apart from the issue of delay of 4 days in lodging the complaint, she would submit that precursor incident of the Applicant lodging a non-cognizable complaint against the first informant on the previous day for having created a ruckus on the issue alleged in the present case, the first informant has filed the present complaint. She would persuade the Court to consider exchange of WhatsApp messages *qua* the alleged incident in question to show that there was a alleged demand for money from the first informant. She would seek time to place the details of WhatsApp chats on record. She is permitted to do so. The prosecution i.e. learned APP is directed by the Court to place on record the entire transcript of the WhatsApp messages exchanged by the Applicant and First Informant between them to ascertain the veracity of the submissions made by Ms. Bhandarkar. That apart, if the prosecution has recorded the statement of the elder daughter of the First Informant who had fetched the victim from the house of the Applicant immediately after the alleged incident, the said statement shall be place on record by the prosecutor.

5. Learned APP shall ensure that the aforesaid submissions made by Ms. Bhandarkar are considered from the facts emanating in the

present case. Equally learned Appointed Advocate shall also consider the submissions made by Ms. Bhandarkar and prepare her defence.

**6. Stand over to 23rd April, 2025 at 2.30 p.m.**

Amberkar

**[ MILIND N. JADHAV, J. ]**

RAVINDRA  
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AMBERKAR

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by RAVINDRA  
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