

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3616 OF 2024**

Rahul Naresh Kushalkar ...Applicant
Versus
State Of Maharashtra and Ors. ...Respondents

**WITH
BAIL APPLICATION NO. 1390 OF 2025**

Anand Raju Sonawane @ Anand Raju
Sonare @ Sonar and Anr. ...Applicants
Versus
State Of Maharashtra and Anr. ...Respondents

Mr. Ujwal R. Agandsurve a/w Advik Kadam a/w Rahul Sagar,
for the Applicant in BA/3616/2024.
Ms. Tripti Shetty, *for the Applicant in BA/1390/2025.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
Ms. Tahira Qureshi, *for Respondent No. 2 in both the matters*
(appointed through Legal Aid).
PSI – Ghadaye, *Pairavi Officer, Meghawadi Police Station, is*
present.

CORAM Dr. Neela Gokhale, J.
DATED: 13th NOVEMBER 2025

PC:-

1. By way of present two applications filed by the three
Accused in connection with Special POCSO Case No. 370 of

2024, dated 16th July 2024, pending before the Special Judge, Dindoshi for the offences punishable under Sections 363, 366-A, 376DA, 377 of the Indian Penal Code, 1860 (for short, “IPC”) and under Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”), the Applicants are seeking their release on bail.

2. The order dated 12th September 2025, records that this Court was informed by Ms. Tahira Qureshi, learned Counsel, who was appointed to represent Respondent No.2-victim, that the family members of the victim as well as the victim herself were not supporting the case of the prosecution. Hence, this Court by the said order, had directed the deposition of the victim to be recorded before the Trial Court within a period of eight weeks from the date of that order.

3. Today, I am informed that the Trial Court has recorded the deposition of the PW-1 i.e. the victim herself. The said deposition is tendered before this Court and the same is taken on record and marked as “X” for purpose of identification.

4. I have perused the statement of deposition of the victim recorded by the Trial Court. The victim has completely turned hostile. She has specifically said that she does not know any of the three Accused. She has not identified the three Accused and has denied the incident having taken place altogether. All the Accused are in custody from 13th April 2024 and the trial is underway. Be that as it may, considering that the victim herself has failed to identify the Accused and having regard to the deposition before the trial court, *prima facie* there is no material against the Applicants. I am thus inclined to enlarge the Applicants on bail and it is ordered as under:

ORDER

- i) The Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/- each with one or two local sureties in the like amount;
- ii) The Applicants shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial,

save and except if the Applicants are exempted from appearance by orders of the Trial Court;

iii) Notwithstanding the fact that the deposition of the victim has been recorded before the Trial Court, the deposition of the mother and other crucial witnesses are yet to be recorded. Considering the aforesaid, none of the Applicants shall enter the jurisdiction of Meghwadi and MIDC Police Stations, till the conclusion of the trial;

iv) If the Applicants have not deposited their passport, the Applicants shall deposit the same with the concerned Police Station, if any;

v) The Applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any,

from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicants to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

5. Application is allowed in the above terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)