

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

CRIMINAL BAIL APPLICATION NO. 4404 OF 2024

Mr. Pralhad Karbhari Ghugare ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Kuldeep U. Nikam a/w Mr. Om N. Latpate, learned Advocates for the Applicant.

Ms. Madhavi H. Mhatre, learned A.P.P for the State/Respondent.

Mr. Yuvraj R. Dhole, learned Advocate for Respondent No. 2.

PSI Ms. Manisha Jadahv attached to Chaturshringi Police Station, Pune City is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th AUGUST 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant, Ms. Madhavi Mhatre, learned A.P.P for the State/Respondent and Mr. Yuvraj Dhole, learned Advocate for Respondent No. 2.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 757 of 2023 registered with Chaturshringi Police Station, District-Pune City for the offences punishable under Sections 376, 376(2)(n), 376(3), 354-D, 506, 506(II) and 323 of the Indian Penal Code, 1860 (“**IPC**” for short), Sections 4, 6, 10

and 12 of the Protection of Children from Sexual Offences Act, 2012 (“POCSO Act” for short) and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (“Juvenile Justice Act” for short).

3. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the abovesaid crime is registered as Special Case (POCSO) No. 1260 of 2023 and is pending on the file of Additional Sessions Judge-11, Pune.

4. Applicant is the sole accused in the present crime. First Information Report was lodged at the instance of victim girl.

5. Case of the prosecution is that the Applicant sexually assaulted the victim by gagging her mouth, threatening her to commit similar act with her mother and to kill her mother as also make viral the video of their sexual act. The incident, which is a subject matter of the present crime, is of the year 2021. FIR was lodged on 25th October 2023.

6. Applicant was arrested on 26th October 2023, since then he is in jail. Criminal Bail Application at Exhibit-6 filed by the Applicant in Special Case (POCSO) No. 1260 of 2023, was rejected by the learned Additional Sessions Judge-11, Pune by order dated 15th July 2024.

7. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the allegations made by the victim girl are not bonafide and not credible. He submits that the allegations are in respect of alleged sexual assault in the year 2021, whereas the FIR

has been filed only in the month of October 2023. He submits that the Applicant is the brother-in-law of victim and they reside adjoining each other. He submits that the medical evidence of victim girl does not support the prosecution case. He submits that till date the charge is not framed in Special Case (POCSO) No. 1260 of 2023. He submits that the Applicant does not have any criminal antecedents.

8. Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent submits that the subject matter of present crime is the sexual assault by the brother-in-law on his sister-in-law. She submits that perhaps fear in the mind of the victim resulted in delay in filing the FIR.

9. Mr. Yuvraj Dhole, learned Advocate for Respondent No. 2 submits that the victim girl has narrated the incident in her complaint. He submits that there is no reason to disbelieve the statement of victim atleast at this stage.

10. I have perused the records with the assistance of learned Advocates of the parties.

11. Charge-sheet reveals that the incident alleged in the present crime, is of the year 2021. Complaint is filed on 25th October 2023, i.e., almost after 2 years. There is no explanation for the delay in lodging the complaint. Medical Examination Report of the victim girl, records the following opinion expressed by the examining doctor :-

“From history of clinical examination, there is evidence

of vaginal penetration with surface injuries multiple horizontal of length 2 cm to 5 cm of age 4 to 5 days, self inflicted by sharp pointed weapon. However, anal penetration can not be ruled out.”

12. Complaint was filed on 25th October 2023 and the supplementary statement of the victim girl was recorded on 28th October 2023. There is some inconsistency in the said statements of the victim, as pointed out by Mr. Kuldeep Nikam, learned Advocate for the Applicant.

13. Considering the nature of allegations and the material on record, which includes the Medical Examination Report, incarceration of the Applicant as an under-trial pending the trial is not warranted.

14. Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent expresses an apprehension of the Applicant, who is a relative of victim girl, influencing the prosecution witnesses and tampering with the evidence, if released on bail.

15. Mr. Kuldeep Nikam, learned Advocate for the Applicant, on instructions from the Applicant, submits that the Applicant shall abide by all the conditions that may be imposed by this Court and further makes a statement that till conclusion of trial in Special Case (POCSO) No. 1260 of 2023, the Applicant shall not enter the territorial jurisdiction of Chaturshringi Police Station, Pune City. Statement accepted.

16. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 757 of 2023 registered with Chaturshringi Police Station, District-Pune City for the offences punishable under Sections 376, 376(2)(n), 376(3), 354-D, 506, 506(II) and 323 of the IPC, Sections 4, 6, 10 and 12 of the POCSO Act and Section 75 of the Juvenile Justice Act on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge-11, Pune.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Chaturshringi Police Station, District-Pune City and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial of Special Case (POCSO) No. 1260 of 2023 and shall regularly attend the hearing of the case pending on the

file of Additional Sessions Judge-11, Pune, on each and every date, unless exempted from appearance.

- f. Applicant shall not enter the territorial jurisdiction of Chaturshringi Police Station, District-Pune City, till conclusion of the trial of Special Case (POCSO) No. 1260 of 2023.
- g. Applicant shall not contact or attempt to contact the victim/Respondent No. 2 or any of the family member of the victim or any witness in the present crime.

17. Criminal Bail Application No. 4404 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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