

Nikita

NIKITA  
KAILAS  
DARADE  
Digitally signed by  
NIKITA KAILAS  
DARADE  
Date: 2025.08.12  
20:01:33 +0530

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

**BAIL APPLICATION NO.4457 OF 2024**

Somnath Baburao Naikare ... Applicant

**V/s.**

The State of Maharashtra and Anr. ... Respondents

Mr. Shailesh D. Chavan a/w S. P. Sahane a/w Mr.  
Sachin Pawar for the Applicant.

Mr. T. G. Khan, for the Applicant.

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

Mr. Shrikant Godage, PSI, Khed Police Station.

**CORAM : ASHWIN D. BHOBE, J.**

**DATED : 12<sup>th</sup> AUGUST, 2025**

**P.C.:**

1. Heard Mr. Shailesh D. Chavan learned Advocate for the Applicant, Mr. T. G. Khan, learned APP for the State and Ms. Kanchan Pawar, learned Advocate for the Respondent No.2.

2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.76 of 2022 registered with Khed Police Station, Pune for the offences punishable under Sections 376(2) (j), 376(AB), 354B, 506, 363 of the Indian Penal Code and under Section 4, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012. Said crime is registered as Special POCSO

Case No.41 of 2025, and is pending before the Special Judge, Khed-Rajgurunagar, District-Pune.

3. Applicant is the sole Accused in the crime.

4. Case of the prosecution is that on 04.02.2022 the Applicant committed sexual penetrative assault on the victim. Victim reported the said fact to the Respondent No.2, who lodged the FIR on 05.02.2022.

5. Applicant was arrested on 05.02.2022. Bail Applicant at Exhibit-5 filed by the Applicant in Special POCSO Case No.41 of 2025 was rejected on 11.10.2022, by the Special Judge Khed, Rajgurunagar, Pune.

6. Mr. Shailesh D. Chavan, learned Advocate for the Applicant points out to the medical examination report of the victim and submits that no external injuries or no signs of any injury were found on the body of the victim. He submit that the medical report of the victim does not support the prosecution case of any sexual penetrative assault on the victim. He submits that the Applicant is in jail for more than three years and six months and in the meantime, the investigation is completed. He submits that the charge was framed on 01.03.2025 and till date no witnesses have been examined in Special (POCSO) Case No.41 of 2022.

7. Mr. T. G. Khan, learned APP for the State, learned APP for the State submits that the victim in her statement under Section 161 and Section 164 of the Cr.P.C., has made a reference to the victim being subjected to sexual assault by the Applicant. He submits that charge being framed, trial in Special POCSO Case

No.41 of 2022, can be directed to be completed within the stipulated time.

8. Ms. Kanchan Pawar, learned Advocate for the Respondent No.2, submits that the victim has narrated the manner in which the 58 years old person has taken advantage of a minor by committing sexual penetrative assault. She submits that such persons do not deserve any mercy.

9. I have perused the record with the able assistance of learned Advocates for the parties.

10. Medical examination report of the victim does not indicate any external injuries on the body of the victim. Prima facie, no other marks or signs were noticed on the body of the victim which would prima facie support the case of the prosecution. Statements of the victim recorded under Section 161 and Section 164 of the Cr.P.C. are inconsistent in the context of the alleged assault. Applicant is in jail for more than three years and six months and trial has not commenced.

11. Considering the facts / allegations and the material placed on record, further incarceration of the Applicant till the conclusion of trial is not warranted, the Applicant therefore is entitled to bail.

12. Ms. Kanchan Pawar, learned Advocate for the Respondent No.2, raised an apprehension that the Applicant if released on bail would influence and will interfere with the prosecution witnesses, tamper with the evidence and even pressurize the Respondent No.2 and her family members.

**13.** Mr. Shailesh D. Chavan, 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, if released on bail and further the Applicant shall not enter the jurisdiction of Khed Police Station, Pune, till the conclusion of the trial in Special POCSO Case No.41 of 2022. Statement accepted.

**14.** 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 C. R. No.76 of 2022 registered with Khed Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Special Judge, Khed- Rajgurunagar, District-Pune.
- b) Applicant shall attend and regularly appear before the Special Judge, Khed- Rajgurunagar, District-Pune in Special POCSO Case No.41 of 2022 on each date of hearing, unless specifically exempted by the Court.
- c) Applicant shall not contact the victim or the Respondent No.2 or the family of the Respondent No.2 in any manner.
- d) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade them from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

e) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Khed Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

f) Applicant shall not enter the territorial jurisdiction of the Khed Police Station, Pune till the conclusion of the Trial in Special POCSO Case No.41 of 2022.

**15.** The Bail Application No.4457 of 2024 is allowed in the above said terms.

**(ASHWIN D. BHOBE. J.)**