

Nikita

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

BAIL APPLICATION NO.5082 OF 2024

Abhishek Vishwanath Rawal ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

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Ms. Shubhangi Parulekar a/w Ms. Varsha Bhosale for
the Applicant.

Dr. A. A. Takalkar, App for the State.

Ms. Deepali Bagla, for the Respondent No.2.

Mr. S. M. Lohar, I.O Khed Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 21st JULY, 2025

P.C.:

1. Offences charged against the Applicant, amongst other are offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as such the proceedings have recorded in terms of the decision of this Court in the case of Dr. Hema Suresh Ahuja & Ors. Vs. The State of Maharashtra¹.

2. Heard Ms. Shubhangi Parulekar, learned Advocate for the Applicant and Ms. A. A. Takalkar, learned APP for the State and Ms. Deepali Bagla, learned Advocate for the Respondent No.2.

3. Applicant by the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in

1 Criminal Appeal No.911 of 2019

connection with C. R. No.483 of 2024 registered with Khed Police Station, Pune, for the offences punishable under Sections 376(2) (J), 506 of Indian Penal Code, under Sections 4,6,8,12 of the Protection of Children from Sexual Offences Act, 2012 and under Section 3(2)(va), 3(2)(v), 3(1)(w)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Said crime is registered as Special (POCSO) Case No.185 of 2024.

4. Case of the prosecution is that the victim (the girl aged about 15 years at the time of offence) was sexually assaulted by the Applicant at the house of his friend on 20.05.2024. Crime was registered almost three months after the incident i.e. on 16.08.2024.

5. Applicant was arrested on 16.08.2024, since then he is jail. Bail Application at Exhibit-3 filed by the Applicant in Special (POCSO) Case No.185 of 2024, was rejected by the Additional Sessions Judge Rajgurunagar, Khed, Pune on 14.11.2024.

6. Ms. Shubhangi Parulekar, learned Advocate for the Applicant submits that the Applicant had a love affair with the victim. She submits that the relationship of the Applicant was not liked by the family members of the victim. She submits that it was on account of dislike towards the said relationship, that the crime was registered.

7. Ms. A. A. Takalkar, learned APP for the State, submits that the offence pertains to a minor girl, who is sexually assaulted and therefore it is serious in nature. She submits that the medical reports indicate assault of the nature alleged.

8. Ms. Deepali Bagla, learned Advocate for the Respondent No.2 submits that the Respondent has apprehension, that the Applicant, if released on bail, would tamper with evidence, threaten the witnesses as also the family members of the victim. On the basis of such apprehension she opposes the bail.

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

10. Perusal of the charge-sheet in the present crime reveals, prima facie gives an indication of a love relationship between the Applicant and the victim, as Ms. Shubhangi Parulekar, learned Advocate for the Applicant. Date of incident is 20.05.2024, whereas the offence was registered on 16.08.2024. Material on record does not indicate any forcible or any violent act on the part of the Applicant.

11. Ms. Shubhangi Parulekar, learned Advocate for the Applicant submits that the Applicant does not have any criminal antecedents. In such circumstances, incarceration of the Applicant in jail till the completion of the trial is not warranted.

12. Apprehension expressed by Ms. Deepali Bagla, learned Advocate for the Respondent No.2. Apprehensions expressed by Ms. Deepali Bagla, learned Advocate for the Respondent No.2 can be taken care of by imposing stringent conditions on the Applicant.

13. Ms. Shubhangi Parulekar, learned Advocate for the Applicant on instructions from the Applicant submits that if indulgence is shown to the Applicant, amongst the other conditions, this Court may impose a condition the Applicant shall not enter the territorial

jurisdiction of the Khed Police Station, Pune.

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.483 of 2024 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 Additional Sessions Judge, Rajgurunagar-Khed, Pune.
- b) Applicant shall attend and regularly appear before the Additional Sessions Judge, Rajgurunagar-Khed, Pune in Special (POCSO) Case No.185 of 2024 on each date of hearing, unless specifically exempted by the Court.
- c) 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 him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.
- d) 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.
- e) Applicant shall not contact the victim or the family members of the victim.

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.185 of 2024, except for attending the hearing fixed.

15. The Bail Application No. 5082 of 2024 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)