

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

Bail Application No.5482 of 2024

Ankush Kanhoji Kashid
Age: 42 yrs,
R/at Prakruti Park, Bhapkar
Plotting, Kawadi Malwadi,
Kadam Wak Vasti,
Tal- Haveliu, Pune.

...Applicant

Vs.

1) The State of Maharashtra
At the instance of PI, Loni
Kalbhor Police Station, Pune)

2) XYZ (victim)
copy to be served to the IO.

...Respondent

Mr Amit Icham a/w Mr Chaitanya Purankar for the applicant.

Mr Arfan Sait, APP for the respondent / State.

Ms Komal Sinha, Advocate (Legal Aid) for respondent No.2.

PSI Kalbhot, Loni Kalbhor Police Station is present.

API Kishore Pawar, Investigating Officer, Kurusungi Police
Station is not present.

Coram : R.N.Laddha, J.

Date : 18 September 2025.

P.C. :

By this application, the applicant seeks bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with CR No.451 of 2024, registered at Loni Kalbhor Police Station, Pune, for offences punishable under Sections 74, 351(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that on 16 September 2024, the applicant, while the victim was playing near Ganpatiche Mhasoba Mitra Mandal, placed his hands on her waist and led her to Mhasobar Mandir Katta. There, he proceeded to touch her inappropriately. Upon the victim's scream for help, the applicant released her and threatened her with dire consequences should she disclose the incident.

3. Mr Amit Icham, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. There are no allegations of penetrative assault, and no offence is made out. He submits that the applicant was arrested on 21 September 2024, and the investigation has concluded,

culminating in a charge sheet. Nothing remains to be recovered or discovered from the applicant. The learned Counsel further submits that the charge is yet to be framed, and no purpose would be served by keeping the applicant in custody. The applicant has no criminal antecedents. Furthermore, the applicant undertakes not to enter the Pune district until the conclusion of the trial and to abide by any conditions imposed by this Court.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, and Ms Komal Sinha, the learned Counsel appearing on behalf of respondent No.2/ victim, submit that the victim is 11 years old and the offence is of a grave and serious nature. They further submit that if the applicant is released on bail, he may tamper with the evidence or influence witnesses.

5. After perusing the records, it appears that the applicant stands accused of inappropriately touching the victim, and there are no allegations of penetrative assault. The records reveal that two statements were recorded under different names of the same person annexed at page No.50 and 95 of the present application. Furthermore, no witnesses claim to have

seen the applicant take away the victim. There appears to be some discrepancy in the statements of witnesses. Additionally, the alleged incident occurred on 16 September 2024, and the report to authorities was filed five days later, on 21 September 2024. Following the registration of the crime, the applicant was arrested on the same day, i.e., 21 September 2024. The investigation has been concluded, and no material further remains to be recovered or discovered from the applicant. Although a charge sheet has been filed, the charge has not yet been framed, and the trial will progress in due course. The applicant has no criminal antecedents, and continued detention would not serve any constructive purpose in these circumstances. Moreover, the applicant has expressed his commitment to residing outside the Pune District until the conclusion of the trial and to abide by all conditions set forth by this Court. In light of the foregoing, the applicant is entitled to the relief of bail. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in connection with CR No.451 of 2024, registered at Loni Kalbhor Police Station, Pune, upon furnishing one or more sureties in the like amount.

- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iii) The applicant shall reside outside Pune District until the conclusion of the trial, except to attend the trial proceedings.
- (iv) The applicant shall inform and update the details relating to his residential address and contact information to the investigating officer.
- (v) The applicant, himself or through any other person, shall refrain from contacting the victim and her family members in any manner whatsoever.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]