

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 418 OF 2025

Nitin Bharat Mandale

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

.....

Ms. Tanvi Tapkire, Advocate for the Appellant.

Ms. Dhanlaxmi Krishna Iyyer, APP for the State.

Mr. Arjun Lingalod, Appointed Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATED : 23rd JULY, 2025.

P. C. :

1. The bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.

2. The appellant is seeking regular bail in C.R.No. 508 of 2024 registered with Mangalwedha police station for the offences punishable under Sections 137(2), 64(2)(I)(M) of the Bharatiya Nyaya Sanhita ("BNS"), Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (for short "Protection of Children from Sexual Offences Act, 2012 and under Section 3(2)(v), 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "S.C. and S.T. Act").

3. It is prosecution's case that on 10.07.2024, the first informant lodged complaint with the police stating that his daughter not returned from the college hence case was lodged against the unknown person of kidnapping of his daughter. In investigation, police traced the victim and recorded her statement on 13.07.2024. In her statement, she has stated that she had called the accused No.2 on 09.07.2024. He asked her to meet him at Vijapur. On 10.07.2024, victim called the appellant whom she considers as a brother and asked him to drop her at Vijapur to her aunt's house. Accordingly, appellant picked up the victim on his motorcycle and dropped her to Vijapur at 4 p.m. It is alleged that during that journey, the appellant sexually assaulted her by threatening.

4. It is contention of learned counsel for the appellant that no name of appellant is mentioned in the first statement of the victim recorded by the police, her another statement was recorded in that statement also she did not mention the name of the appellant. Learned counsel further submitted that after two days police recorded her supplementary statement, in said statement she mentioned name of the appellant. Learned counsel further submitted that the main allegations are against the accused No.2. While conducting medical examination of the victim, she has not made allegations against the appellant. The appellant is behind bar for more than one year. At the time of incident, the victim was 17 years and 7

months old. She herself had left her house of her to meet the accused No.2. Investigation is completed and charge-sheet has been filed, hence requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant sexually assaulted the victim by threatening her. In supplementary statement, the victim has specifically stated about the act committed by the appellant. If appellant is released on bail, he may threaten the victim and prosecution witnesses and requested to dismiss the appeal.

6. I have heard all learned counsel. Perused FIR and documents produced on record. It appears from the record that when the police recorded first statement of the victim, she did not make any allegations against the appellant. In supplementary statement, she has alleged that the appellant forcefully sexually assaulted her. While conducting her medical examination, she has not taken name of the appellant. At the time of incident, the victim was 17 years and 7 months old. The appellant is behind bar for more than one year. Investigation is completed and charge-sheet has been filed.

7. Considering these fact, I pass following order :

ORDER

- i. The appellant be enlarged on bail in C.R.No. 508 of 2024

registered with Mangalwedha police station, on executing P.R.Bond of Rs. 50,000/- on furnishing one or two sureties of the like amount.

- ii. The appellant shall attend the concerned police station as and when required.
 - iii. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
 - iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
 - v. The appellant shall not enter the area where victim stays till recording of evidence of the victim.
8. The Appeal is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.