

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 78 OF 2025

Rahul Anil Ukirde.

...Applicant.

Versus

State of Maharashtra & Anr.

...Respondents.

Mr. Piyush Toshnival i/b. Mr. Ashish Pawar, Advocate for the Applicant.

Ms. M.R. Tidke, APP for the Respondent/State.

Mr. Ashish Sohani, Advocate for Respondent No. 2.

CORAM: ASHWIN D. BHOBE, J.

DATED: 4th SEPTEMBER, 2025.

PC:-

1. Heard Mr. Piyush Toshnival, learned Advocate for the Applicant, Ms. Tidke, learned APP for State and Mr. Ashish Sohani, Advocate for Respondent No. 2.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. 95 of 2023 registered with Deccan Police Station, Pune for the offences punishable under Section 363, 376, 376(2)(j)(n) of the Indian Penal Code (for short "IPC") and under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act"). Said Crime is registered as Special Case (POCSO) No. 749 of 2023 and is pending before the Court of Additional Sessions Judge, Pune.

3. FIR is registered on the basis of the Complaint lodged by the Respondent No. 2, father of the victim girl aged 17 years 2 months on the date of incident.

4. Case of the prosecution is that the victim was sexually assaulted at the hands of the Applicant.

5. Applicant was arrested on 9th July, 2023. Bail Application at Exh. 2 filed by the Applicant in Special Case (POCSO) No. 749 of 2023 was dismissed by the learned Additional Sessions Judge, Pune on 4th April, 2024.

6. Mr. Piyush Toshnival, learned Advocate for the Applicant submits that material on record would indicate that the Applicant and the victim were known to each other and were having liking for each other. He submits that the said liking developed into a deep intimacy. He submits that the Applicant was 21 years of age on the date of incident and was pursuing his education.

7. Ms. Tidke, learned APP for the State submits that the victim was a minor, aged 17 years and 2 months on the date of incident, as such ingredients of the offences charged are attracted. She submits that the medication examination report of the victim supports the prosecution case. She however, fairly submits that the statement of the victim recorded under section 164 of the Cr. P.C., does not support the case of the prosecution.

8. Mr. Ashish Sohani, learned Advocate for the Respondent No. 2 submits that Respondent No.2 father of the victim was compelled to take the step of filing the complaint against the Applicant so as to protect his minor

daughter. He however submits that the victim having liking and being in love with the Applicant is the fact, which is not disputed. He reiterates that it was only out of concern of the victim being minor on the date of incident that prompted Respondent No. 2 to file the complaint.

9. Perused the records with the assistance of the learned Advocates.

10. Records reveal that the Applicant was 21 years of age whereas the victim was 17 years and 2 months of age on the date of the alleged incident. Statement of the victim recorded under section 164 of the Cr. P.C. indicates the victim and the Applicant being in love with each other. Neither the Victim nor the Respondent No. 2 have made any reference to any violent behaviour of the applicant or the victim being subjected to any violent act at the hands of the Applicant. Statement of the victim recorded under section 164 of the Cr. P.C. does not support the prosecution case as pointed out by Ms. Tidke, learned APP.

11. Considering the Applicant to be 21 years of age he deserves to get employment to plan and secure his future. This is a fit case to exercise discretion in favour of the Applicant.

12. In view of the above, Bail Application is allowed on the following conditions :

(a) Applicant be released on bail in Crime No. 95 of 2023 registered with Deccan Police Station, Pune upon furnishing PR. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Pune.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Deccan Police Station, Pune.

(d) Applicant shall attend each and every date of hearing in Special Case (POCSO) No. 749 of 2023 before the learned Additional Sessions Judge, Pune, unless exempted.

(e) Applicant shall not contact the victim or the family members of the victim till conclusion of the trial.

13. Bail Application No. 78 of 2025 is allowed and disposed of on the above terms.

(ASHWIN D. BHOBE,J.)