

Shabnoor

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

BAIL APPLICATION NO. 257 OF 2025

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Dilip Ramesh Pawar

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Shamrao B. Gore, for the applicant.

Ms. Supriya I. Kak, APP for the State – respondent
No.1.

Mr. Manish Mirpuri, for respondent No.2 (Appointed as
Legal-Aid).

CORAM : AMIT BORKAR, J.

DATED : JULY 24, 2025

P.C.:

1. The applicant has filed this bail application under Section 439 of the Code of Criminal Procedure, 1973. The applicant seeks bail in Crime Register No. 606 of 2020 registered at Narpoli Police Station. The charges against the applicant are under Sections 363 and 376 of the Indian Penal Code, 1860, and Sections 4, 6, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

2. The complainant Meena Ashok Pawar filed a complaint on 28 November 2020. She alleged that an unknown person kidnapped her 16-year-old daughter Sonu. On 25 November 2020 at 8:30 a.m., the victim left home saying she was going to work at Cream Powder Company, Dapoda, Bhiwandi. The applicant is the

son of the complainant's maternal uncle. The prosecution alleges that the applicant kidnapped the victim and took her to his house in Songaon, Satara, where he had sexual intercourse with her. The police recorded statements of the victim and other witnesses during investigation and filed a report against the applicant. The Sessions Court had earlier rejected the applicant's bail application.

3. The applicant's counsel submitted the following points: The applicant has been in custody since 13 May 2021. Charges have been framed. The prosecution has cited 9 witnesses, making it unlikely that the trial will conclude soon. The applicant seeks bail due to trial delay. The counsel referred to the victim's statement under Section 164 of the Code of Criminal Procedure. In this statement, the victim disclosed that she was in a consensual relationship with the applicant. Based on this, the applicant requests bail.

4. The Additional Public Prosecutor and the victim's advocate strongly opposed the bail application. They argued that considering the victim's age, her consent has no legal validity. They submitted that the allegations are grave and serious in nature. Given the seriousness of the offence and the victim's age, they contended that the applicant should not be granted bail.

5. After careful consideration of the submissions made by both parties and the material on record, this Court finds merit in granting bail to the applicant for the following reasons: The applicant has been in custody since 13 May 2021, which amounts to more than three and a half years. The prosecution has cited 9

witnesses, and considering the current state of judicial proceedings, there is no reasonable expectation that the trial will conclude in the near future. Prolonged incarceration without trial violates the fundamental right to liberty under Article 21 of the Constitution of India.

6. The charges against the applicant have already been framed, indicating that the case has progressed beyond the initial stages. The risk of the applicant influencing witnesses or tampering with evidence is significantly reduced at this stage of proceedings.

7. The victim's statement under Section 164 CrPC indicates a pre-existing relationship between the parties. While the Court acknowledges that consent is not legally valid in cases involving minors, this factor suggests that the case may not involve forcible abduction by a stranger, which reduces the gravity of the allegations to some extent.

8. The applicant is a relative of the complainant's family and has roots in the community. There is no material on record to suggest that the applicant poses a flight risk or is likely to abscond if granted bail.

9. The applicant is presumed innocent until proven guilty. Bail is the rule and jail is the exception. The denial of bail should not result in pre-trial punishment, especially when the trial is likely to be prolonged.

10. While the Court is mindful of the serious nature of the allegations, the principles of personal liberty must be balanced against the requirements of justice. The prolonged custody without

reasonable prospect of early trial tilts the balance in favor of granting bail.

11. Considering the totality of circumstances, particularly the prolonged custody, delay in trial, and the applicant's fundamental right to liberty, this Court is inclined to grant bail to the applicant subject to appropriate conditions to ensure that the process of law is not defeated and the victim's safety is protected.

12. In view of the above, the following order is passed:

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in connection with Crime Register No. 606 of 2020 registered with Narpoli Police Station for offences punishable under Sections 363, 376 of IPC and Sections 4, 6, 8 and 10 of POCSO Act, upon furnishing a Personal Bond of ₹15,000/- (Rupees Fifteen Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(b) The applicant shall report to the Narpoli Police Station on the first Monday of every three months between 10.00 a.m. and 12.00 noon, until further orders.

(c) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(e) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

13. The Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)