

Shabnoor

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

BAIL APPLICATION NO. 1051 OF 2025

Rohan Rudranand Singh	... Applicant
V/s.	
State of Maharashtra	... Respondent

Mr. Vishal M. Deshmukh, for the applicant.

Mrs. Megha S. Bajoria, APP for the State – respondent No.1.

Ms. Ashwini Acharji for respondent No.2 (Appointed as Legal Aid).

CORAM : AMIT BORKAR, J.

DATED : AUGUST 22, 2025

P.C.:

1. The applicant has filed this bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. He seeks his release in Crime Register No. 483 of 2023 registered at Samta Nagar Police Station. The applicant faces charges under Sections 376, 376(2)(n), and 506 of the Indian Penal Code, 1860, and Sections 6, 10, and 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act).

2. The complainant is a 14-year-old girl who filed a report at Samta Nagar Police Station. She stated that she lived with her family. One day, she went to Mahindra Main Gate, Kandivali with her friend. The accused approached her there. He told her she

looked beautiful and that he liked her. He threatened to cut his hand if she did not talk to him. The girl became scared and agreed to talk with him. They began meeting at Mahindra Main Gate. In September 2022, the accused called her to his house when no one else was present. He forced her to have sexual intercourse by threatening to cut his hand. After this, the accused continued to force her into sexual intercourse using the same threat. The girl became pregnant and told the accused about it. However, the accused had not been seen in the area for the past two months. The girl then went to the police station and filed a complaint. Based on her statement, a case was registered against the accused.

3. The defence counsel submitted that the applicant was 19 years old when the incident occurred, while the victim was 14 years old. The counsel argued that while the victim's consent is not legally relevant due to her age, the evidence does not show that the applicant used force or threats against the victim. The counsel further argued that the alleged sexual intercourse only came to light after the victim became pregnant, and the FIR was filed only then. The applicant was arrested on 7 September 2023 and has no previous criminal record. Although charges have been filed, the trial has not yet started and no witnesses have been examined. The prosecution has listed nine witnesses in total. Therefore, the defence requested that the applicant be granted regular bail.

4. The learned APP and the counsel representing the victim opposed the bail application. They argued that since the victim was 14 years old at the time of the incident, the question of consent does not arise and is not legally relevant. They submitted

that the alleged offence is serious and grave in nature. Given the seriousness of the charges, the applicant should not be granted bail at this stage.

5. From the prosecution case, it emerges that the complainant was 14 years old at the time of the alleged incident, and the applicant was 19 years old. The prosecution alleges that the accused committed sexual offences against the minor victim through threats and coercion.

6. However, upon careful examination of the FIR and the statements, this Court observes that: There is a significant delay in filing the FIR. The alleged incident occurred in September 2022, but the complaint was filed much later, only after the victim discovered her pregnancy. While delay alone cannot discredit the prosecution case, it is a relevant factor to consider in the overall assessment. The prosecution case primarily rests on the testimony of the complainant. While the testimony of a victim in cases under POCSO Act has significant evidentiary value, the prosecution must still establish its case beyond reasonable doubt during trial.

7. Though legally irrelevant due to the victim's age, the factual matrix suggests that there was some form of acquaintance between the parties, as evidenced by their regular meetings at Mahindra Main Gate.

8. The right to personal liberty under Article 21 of the Constitution of India is a fundamental right that cannot be curtailed except in accordance with the procedure established by law. Prolonged detention without trial violates this constitutional

guarantee. The applicant has been in custody since 7 September 2023, which amounts to a considerable period of incarceration without the trial having commenced. The Supreme Court has repeatedly held that lengthy incarceration without trial is contrary to the principles of natural justice and constitutional rights.

9. The applicant has been residing in the same locality and was available when the investigation commenced. There is no material on record to suggest that he is likely to abscond or evade the trial. His roots in the community and lack of previous criminal antecedents indicate that he is unlikely to flee from justice.

10. The prosecution has cited nine witnesses. However, there is no specific allegation or apprehension raised by the prosecution regarding potential tampering of witnesses. The victim and her family can be adequately protected through appropriate bail conditions.

11. The applicant has no prior criminal record, which is a significant factor in his favor. This indicates that he is not a habitual offender and is unlikely to commit similar offences while on bail.

12. The applicant was 19 years old at the time of the alleged incident, which shows he was a young adult. While this does not excuse the alleged conduct, it is relevant for considering the possibility of reformation and rehabilitation.

13. While this Court is sensitive to the gravity of offences against minors and the need to protect victims of sexual crimes, it must balance these concerns against the constitutional rights of the

accused. The interest of justice would be better served by releasing the applicant on bail with stringent conditions rather than keeping him in prolonged detention.

14. 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. 483 of 2023 registered with Samta Nagar Police Station for offences punishable under Sections 376, 376(2)(n), 506 of IPC, and Sections 6, 10, 12 of POCSO Act, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five 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 attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(c) The applicant shall report to the Samta Nagar Police Station, on First Monday of each quarter between 10.00 a.m. and 12.00 noon, until further orders.

(d) The applicant shall not leave the territorial jurisdiction of the State of Maharashtra without prior written permission

of the Trial Court.

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

(f) 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.

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

(AMIT BORKAR, J.)