

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

Bail Application No.1058 of 2025

Ajay Fulchand Pawar
Age: 20 yrs, Occ: Labour,
R/at C/o Kantaram Khandole,
near R/O water plant, Pathare
Vasti, Lohgaon, Pune
(Presently lodged in Yerwada
Central Prison)

... Applicant.

Vs.

1. The State of Maharashtra
Through Vimantal Police Station
CR No.251/2024.

2. XYZ

through Vimantal Police Station

... Respondents.

Mr Shailesh Kharat a/w Onkar Chaudhari and Mr
Vishwajeet Nimbalkar for the applicant.

Mr MG Patil APP for the State.

Mr Ait Savagave for respondent No.2 (through VC).

Coram : R.N.Laddha, J.

Date : 1 October 2025.

P.C. :

By this application, the applicant seeks bail in
connection with CR No.251 of 2024, registered at Vimantal
Police Station, Pune, for offences punishable under Sections

363, 376(3), and 366(a) of the Indian Penal Code, and Sections 4, 6 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that on 28 May 2024, the applicant enticed the victim and unlawfully removed her from the lawful custody of her guardian. It is further alleged that, upon the victim's return to her residence, it emerged that the applicant had subjected her to forcible sexual intercourse.

3. Mr Shailesh Kharat, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and submits that the applicant has been falsely implicated in the crime. He contends that the applicant and the victim shared a consensual relationship, and that the victim left her residence of her own accord. There has been no recovery associated with the applicant, and the investigation has concluded, culminating in a charge sheet. The learned Counsel highlights that the applicant is well-rooted in the community and does not present a flight risk. He points out that the applicant has been languishing in jail since 29 July 2024, yet no charges have been framed. Furthermore, the

continued detention of the applicant would serve no discernible purpose, especially since the prosecution intends to examine ten witnesses, and the trial will progress in due course. The applicant is ready and willing to comply with any conditions imposed by this Court.

4. Mr MG Patil, the learned Additional Public Prosecutor appearing on behalf of respondent No.1/ State, and Mr Ajit Savagave, the learned Counsel representing respondent No.2/ informant, vehemently oppose the applicant's request for bail. They jointly submit that the offence is of a grave and heinous nature, involving serious allegations which strike at the very fabric of societal norms and legal protections accorded to minors. It is specifically contended that the victim, being a minor, was enticed and unlawfully removed from the lawful custody of her guardian by the applicant. The applicant then subjected the victim to repeated sexual intercourse, thereby committing the present crime. The learned APP expresses grave apprehension that, in the event of being released on bail, the applicant is likely to tamper with prosecution evidence and influence or intimidate key witnesses, which would impede the administration of justice and compromise the integrity of

the trial.

5. This Court has considered the submissions advanced across the Bar and perused the records. It *prima facie* transpires from the record that in the statement recorded by the police on 29 July 2024, the victim stated that on 28 May 2024, she voluntarily left her residence in the company of the applicant and proceeded to Vaijapur, Ahmednagar, where she engaged in consensual sexual relations with the applicant. She further stated that approximately 45 days thereafter, on 22 July 2024, she returned to Pune with the applicant. On the same night, the victim again left with the applicant for Nimbalkar Nagar, eventually returning to her residence on 28 July 2024. Notably, in her statement recorded on 29 September 2024 under Section 164 of the Code of Criminal Procedure, 1973, the victim unequivocally stated that she left her house and proceeded to Shirdi on her own volition along with the applicant. She further disclosed that her mother had been harassing the applicant's family and categorically asserted that the applicant had not kidnapped her. It is of considerable significance that in the said statement recorded under judicial supervision, the victim did not allege that the

applicant had subjected her to sexual assault or intercourse. This omission stands in stark contrast to her earlier statement dated 29 July 2024 and raises substantial doubt regarding the reliability and consistency of the allegations brought forth against the applicant. Additionally, the medical records suggest that the victim's age is estimated to be between 15 and 16 years, whereas the First Information Report (FIR) records her age as 12 years, indicating a discrepancy.

6. Furthermore, it is brought to the attention of this Court that the investigation in the matter has reached its conclusion, and there is nothing further to be recovered or discovered from the applicant. Although a charge sheet has been filed before the competent Court, the charge is yet to be framed. The prosecution has proposed to examine ten witnesses in support of its case, and the trial will take its own time. Moreover, the applicant is a young boy aged about 19 years and has been languishing in jail since 29 July 2024. The apprehensions expressed by the prosecution regarding the possibility of tampering with evidence or exerting influence over witnesses can be sufficiently mitigated by imposing suitable conditions upon the

applicant.

7. Having regard to the totality of the circumstances, including the inconsistencies in the victim's statements, the age-related ambiguity, the completion of the investigation, and the current stage of the trial proceedings, keeping the applicant in custody until the conclusion of the trial would not serve any meaningful purpose. Given the foregoing, this Court is of the considered opinion that a case for the grant of bail is made out. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in connection with CR No.251 of 2024, registered at Vimantal Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and 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 regularly attend and cooperate with the jurisdictional Court for the expeditious

disposal of the case.

(iv) The applicant shall refrain from contacting the victim in any manner whatsoever.

8. The application stands disposed of accordingly.

[R. N. Laddha, J.]