

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

CRIMINAL BAIL APPLICATION NO. 1986 OF 2025

Shivaji Shamrao Bhandare ...Applicant

Versus

The State of Maharashtra And Anr. ...Respondents

Mr. Sangram B. Suryavanshi, learned Advocate for the Applicant.
Mrs. Shilpa Talhar, learned A.P.P. for the State/Respondent.
Ms. Kanchan Pawar, learned Advocate for Respondent No. 2.
PI Mr. Bile, IO attached to Malwani Police Station, Mumbai is present in the Court.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 12th DECEMBER 2025.**

P.C. :

1. Heard Mr. Sangram Suryavanshi, learned Advocate for the Applicant, Mrs. Shilpa Talhar, learned A.P.P. for the State/Respondent and Ms. Kanchan Pawar, learned Advocate for Respondent No. 2.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking Regular Bail in connection with Crime No. 227 of 2021, registered with Malvani Police Station, Mumbai for the offences punishable under Sections 354 & 506(2) of the Indian Penal Code Act, 1860 (“**IPC**” for short) and Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 (“**POCSO Act**” for short). Said Crime No. 227 of 2021 is

registered as Special Case No. 213 of 2021 and is pending before the Court of Special Judge under the POCSO Act and Additional Sessions Judge, Borivali (Division), Dindoshi, Goregaon, Mumbai.

3. Case of the prosecution is that the Applicant (sole accused) took the victim (girl child aged 3 years and 7 months on the date of offence) to his house, locked the door from inside and removed her clothes. The Complainant at the relevant time arrived at the house of Applicant and was able to open the door.

4. Applicant was arrested on 30.03.2021, since then he is in jail. First Criminal Bail Application at Exhibit-8 filed by the Applicant in Special Case No. 213 of 2021, was rejected by the learned Special Judge under the POCSO Act, Borivali (Division), Dindoshi, Goregaon, Mumbai by order dated 06.12.2023. Second Criminal Bail Application filed by the Applicant, was rejected by the learned Additional Sessions Judge, Borivali (Division), Dindoshi, Goregaon, Mumbai by order dated 12.02.2025.

5. Mr. Sangram Suryavanshi, learned Advocate for the Applicant submits that the material on record does not indicate the Applicant having abused or sexually assaulted the victim. He submits that the allegations are of the Applicant having taken the victim to his house under the pretext of giving chocolate and allegedly removed her clothes. He submits that there are no witnesses to the alleged offence. He submits that the offence is registered against the Applicant on the basis of misunderstanding, which is evident from the observations of Trial Court in paragraph 6, which refers to the original complainant giving no objection to the Bail Application of

Applicant.

6. Mrs. Shilpa Talhar, learned A.P.P. for the State/Respondent submits that the offence alleged against the Applicant is a serious offence. She submits that material on record indicates involvement of the Applicant in the Crime.

7. Ms. Kanchan Pawar, learned Advocate for Respondent No. 2 submits that considering the nature of allegations against the Applicant, the Applicant would not be entitled to bail.

8. Perused the records with the assistance of learned Advocates for the parties.

9. Perusal of the charge-sheet indicates that the Applicant is alleged to have taken the victim girl to his house under the pretext of giving chocolate. First Information Report is lodged at the instance of complainant, who was at the door of the Applicant at the time, the offence is alleged to have taken place. *Prima facie*, the material on record does not support the prosecution case. Applicant is in custody since 30.03.2021.

10. Mr. Sangram Suryavanshi, learned Advocate for the Applicant states that though the trial has commenced, however the records of proceedings of Special Case No. 213 of 2021 indicates that the prosecution witnesses are not appearing despite summons being issued. Said position is not disputed by the learned A.P.P.

11. In the facts and circumstances of the present case, further custody of the Applicant is not warranted.

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

- a. Applicant is directed to be released on bail in connection with Crime No. 227 of 2021, registered with Malvani Police Station, Mumbai for the offences punishable under Sections 354 & 506(2) of the IPC and Sections 8 & 12 of the POCSO Act on executing P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the Special Judge under the POCSO Act and Additional Sessions Judge, Borivali (Division), Dindoshi, Goregaon, Mumbai.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with facts of accusation, so as to dissuade such a person/s from disclosing the facts to the Court or to any police personnel.
- c. Applicant shall not tamper with the prosecution evidence and shall not contact or influence any prosecution witness in any manner.
- d. Applicant upon his release from jail, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Malvani Police Station, Mumbai and shall keep the same updated, in case of any change thereto.

- e. Applicant shall appear and report/attend before the Investigating Officer, Malvani Police Station, Mumbai once in a month on 2nd Saturday of every month from 10.00 a.m. to 11.00 a.m. till conclusion of trial of Special Case No. 213 of 2021.
 - f. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Special Case No. 213 of 2021, pending on the file of Special Judge under the POCSO Act and Additional Sessions Judge, Borivali (Division), Dindoshi, Goregaon, Mumbai, on each and every date, unless exempted from appearance.
 - g. Applicant shall not indulge himself in any activities, which are similar to the present crime.
13. Criminal Bail Application No. 1986 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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