

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2090 OF 2025**

1. Sangappa Shankar Vasmani	...Applicants
2. Pawan Vijay Gaud	
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr.Dhrutiman Joshi, Counsel i/by Mr. Mukesh Gupta a/w Ms. Anita Pandey, *for the Applicants.*
Ms. Anuja S. Gotad, APP for the Respondent No.1 - State.
Ms. Vilasini Balasubramanian, for the Respondent No.2.
PSI – S.P. Pisal, Ambernath Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 03RD NOVEMBER 2025

PC:-

1. By this Application, the Applicants seek their enlargement on bail in connection with C.R.No.1028 of 2024 dated 13th July, 2024 registered with the Ambernath Police Station, for the offences punishable under Sections 64(2)(i), 65(4), 70(2), 351(2) of the Bhartiya Nyaya Sanhita, 2023 ('BNS') and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO').

2. There are two Applicants in the present matter, namely Applicant No.1 - Sangappa Shankar Vasmani and Applicant No.2 - Pawan Vijay Gaud. In so far as the prayer seeking bail for Applicant No.1 is concerned, when I was not inclined to grant relief to him, Mr. Dhrutiman Joshi, learned counsel for the Applicants sought permission to withdraw the bail application. Permission to withdraw is granted.

3. Applicant No.1 is in custody since 14th July, 2024, and has already suffered incarceration for one and half years. Hence, the Trial Court is requested to record the statement of victim within a period of four months from the date on which this order is placed before the concerned Trial Court, after which Applicant No.1 is permitted to file a bail application afresh, seeking appropriate relief.

4. The bail Application pertaining to the Applicant No.1 - Sangappa Shankar Vasmani is accordingly disposed off as withdrawn.

5. Insofar as Applicant No.2 - Pawan Vijay Gaud is concerned, it is submitted by Mr. Joshi, appearing for the Applicant that his name is not taken by the victim either in the statement recorded under Section 183 of the BNSS nor in the contents of the FIR. Moreover, admittedly the said Applicant/accused is not even seen in the CCTV footage, recorded in the panchanama, which is placed on record. Ms.Gotad, learned APP as well as Ms.Balasubramanian, learned counsel for the Respondent No.2 have no dispute with the same. The Applicant No.2 has also suffered incarceration for one and half years.

6. Considering that *prima facie* no role of the Applicant No.2 - Pawan Vijay Gaud is seen in the incident / offence, I am inclined to enlarge him on bail and it is ordered as under:-

ORDER

- i) Applicant No.2 - Pawan Vijay Gaud be enlarged on bail, on executing PR Bond in the sum of

Rs.20,000/ with one or two local sureties in the like amount;

ii) Applicant No.2 shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) Applicant No.2 shall not enter the jurisdiction of Ambernath Police Station, till the statement of victim is recorded by the Trial Court, save and except to attend the Police Station and the Trial Court in compliance with the present order ;

iv) Applicant No.2 shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

v) If the Applicant No.2 has not deposited his passport, if any, the Applicant No.2 shall deposit the same with the Police Station concerned;

vi) The Applicant No.2 shall not leave India, without the permission of the Trial Court;

vii) The Applicant No.2 shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant No.2 shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant No.2 to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)