



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

CRIMINAL BAIL APPLICATION NO.2568 OF 2025

Panchugopal Haripal Hajara

... Applicant.

Vs.

State Of Maharashtra & Anr.

... Respondents.

Mr. Aniket Vagal a/w Savvy Kolhekar & Juhi Kadu for the Applicant.

Ms. Dr. A. A. Takalkar, APP for the Respondent/State.

Mr. Shubham Chavan, PSI, Shirur Police Station.

CORAM : ASHWIN D.BHOBE, J.

DATE : 2nd JULY, 2025.

P.C. :

1. Heard Mr. Aniket Vagal, learned advocate for the Applicant and Ms. Dr. A. A. Takalkar, learned APP for the Respondent State.

2. By the present Bail Application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNNS), the Applicant is seeking bail in connection with Cr. No. 398/2023, registered with Shirur Police Station, for the offences punishable under Section 376, 376-A,B and 377 of the Indian Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. Said crime is registered as Special Case No.

697/2023 and is pending on the file of Additional Sessions Judge, Pune.

3. FIR is registered on the complaint filed by the Respondent No.2 (mother of the victim). Case of the prosecution is that the Respondent No.2 a labourer, used to take the victim (a 6 years old girl child) and her minor son along with her at the place of her job. Applicant and his brothers are also labourers. Victim and her minor brother use to call the Applicant and his bothers as "Mama." On 29th May, 2023 the Applicant forcibly took the victim in a shed and sexually assaulted the victim. Medical examination report of the Victim showed hymenal tear present in 7'O clock and 11'O clock position with perihymenal redness present.

4. Applicant was arrested on 29th May 2023. Bail Application at Exhibit-4 in Special Case No.697/2023, was dismissed by the learned Additional Sessions Judge, Pune on 22nd December, 2023.

5. Mr. Vagal, learned advocate for the Applicant submits that the Applicant has been falsely implicated in the crime at the instance of Respondent No. 2. He submits that the statement of the victim does not indicate the commissions of the offence. He submits that there are inconsistencies in the statement of the victim. He submits that the

statement of the Respondent No.2 is over exaggeration of the crime. He submits that though, there is medical evidence placed on record, the same cannot prevail over the ocular evidence. In other words, he submits that the ocular evidence i.e. the statement of the victim will prevail over the medical evidence. He submits that the identification of the Applicant is based on photographs shown to the victim and not on the basis of Test Identification parade. He submits that the Applicant is in custody for a period which is more than two years.

6. Ms. Dr. Takalkar, learned APP for the State submits that the offence charged against the Applicant is a serious offence as the Applicant is involved in violating the rights of the minor child aged 6 years. She points out to the medical examination report of the victim to indicate the nature in which the minor was sexually abused and violated by the Applicant. She points out to the statement of the victim wherein, the victim has given the narration of the act. She submits that the Applicant has been named in the FIR by Respondent No. 2 as also by the victim in the statement recorded during the investigation. For all the said reasons, she opposes the Bail Application.

7. I have perused the records with the assistance of the Court.

8. Victim in her statement has made reference to the Applicant as 'Mama' and has further narrated the sexual assault committed by the Applicant. She has stated that after the said assault, she was in pains and that blood oozed from a place of urination. Medical report of the victim at page no. 34 supports the prosecution.

9. The victim in the present case is a child of 6 years. She has narrated the trauma suffered by her. Prima facie, there is sufficient material on record in respect of penetrative sexual assault by the Applicant upon the victim, which includes the medical report. Material on record prima facie supports the prosecution case against the Applicant. Considering the gravity of the allegations and the material indicating Applicant's involvement in the crime, the Applicant is not entitled to bail.

10. In view of the above, Bail Application No. 2568/2025 is dismissed.

[ASHWIN D.BHOBE, J.]