

Nikita

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

BAIL APPLICATION NO.2578 OF 2025

Prashant Ravindra Swamy ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr. Anjani Mishra a/w Mr. Vishal Nevshe a/w Ms. Utkarsha Kupte a/w Mr. Daniyal Siddique for the Applicant.

Ms. M. H. Mhatre, APP for the State.

Mr. Radhikesh Uttarwar a/w Ms. Pooja Thakur for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 5th AUGUST, 2025

P.C.:

1. Heard Mr. Anjani Mishra, learned Advocate for the Applicant, Ms. M. H. Mhatre, learned APP for the State and Mr. Radhikesh Uttarwar, learned Advocate for the Respondent No.2.

2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking default bail in connection with C. R. No.121 of 2025 dated 17.04.2025 registered with Kalepadal Police Station, Pune, for the offences punishable under Sections 75, 78 of the Bharatiya Nyaya Sanhita, 2023 and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Mr. Anjani Mishra, learned Advocate for the Applicant states that C. R. No.121 of 2025 is registered as Sessions Case No.907 of 2025 and is allotted to Court of Special Judge (POCSO Act), Pune.

4. Facts which would be relevant for the present Application which are as follows:

a) Applicant was arrested in C. R. No.121 of 2025 on 17.04.2025.

b) Applicant was arrested on 17.04.2025, since then he is in jail. Bail Application No.2782 of 2025 filed by the Applicant was rejected by the Special Judge (POCSO Act) on 13.06.2025.

c) Maximum punishment prescribed for the offences charged in C. R. No.121 of 2025 is five years.

d) Charge-sheet was filed on 03.07.2025.

5. Mr. Anjani Mishra, learned Advocate for the Applicant submits that the Applicant is seeking default bail on the ground that the charge-sheet was not filed within period of 60 days from the date of registration. He tenders a copy of the charge-sheet (page No.1 to 48), same are taken on record and marked as "X Colly" for identification. By relying on the said documents, he submits that the charge-sheet was filed on 03.07.2025 i.e. beyond 60 days, the Applicant is entitled to default bail.

6. Ms. M. H. Mhatre, learned APP for the State, fairly submits that the offence was registered on 17.04.2025 and the charge-sheet was required to be filed on or before 16.06.2025. She, on

instructions from the Investigation Officer Kalepadal Police Station, Pune submits that the charge-sheet was filed on 03.07.2025, as recorded in the document at “X” Colly.

7. Mr. Radhikesh Uttarwar, learned Advocate for the Respondent No.2, does not dispute the dates as referred to by Ms. M. H. Mhatre. He further does not dispute that the charge-sheet in C. R. No.121 of 2025 was filed beyond the period of 60 days. He however submits that the subject matter of C. R. No.121 of 2025 pertains to a serious offence, wherein a minor girl was abused by the Applicant. He submits that the Respondent No.2 has serious apprehensions of Applicant, if released on bail, tampering with the evidence and threatening prosecution witnesses, including the Respondent No.2 and victim. He therefore opposes the bail.

8. I have perused the record with the assistance of learned Advocates for the parties.

9. C. R. No.121 of 2025 being registered on 17.04.2025 and the charge-sheet being filed on 03.07.2025, are facts which are not in dispute. The maximum punishment prescribed for the offences charged in C. R. No.121 of 2025 would be five years, as such charge-sheet was required to be filed within 60 days from 17.04.2025. Charge-sheet in C. R. No.121 of 2025 is admittedly filed beyond 60 days from 17.04.2025.

10. Section 187 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 167 (2) of the Cr.P.C.), confers an indefeasible for default bail to an Accused. Law on entitlement of default bail is no longer res-integra. Applicant has made out a case for entitlement

of his indefeasible right under Section 187 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and therefore is entitled to be released on bail. This application is allowed.

11. Mr. Anjani Mishra, learned Advocate for the Applicant submits on instructions from the Applicant states that till the conclusion of the trial, Applicant shall not enter the territorial jurisdiction of the City of Pune. Statement accepted. Apprehensions expressed by the Respondent No.2 is allayed by the said statement made by the Mr. Anjani Mishra.

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 C. R. No.121 of 2025 dated 17.04.2025 registered with Kalepadal Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Special Judge (POCSO Act) Pune.
- b) Applicant shall attend and regularly appear before the Special Judge (POCSO Act) Pune in Special Case No.907 of 2025 on each date of hearing, unless specifically exempted by the Court.
- c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade such person from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

- d) Applicant shall not contact to Respondent No.2 or the victim or any of the family member in whatsoever manner.
- e) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Kalepadal Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.
- f) Applicant shall not enter the territorial jurisdiction of the City of Pune till the conclusion of trial in Special Case No.907 of 2025.

13. Bail Application No.2578 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)