

Nikita

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

BAIL APPLICATION NO.2727 OF 2025

Vinod Ratanpal Goher ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Pratik Sabale a/w Mr. Swapnil Newaskar a/w Ms. Sheetal Jagtap for the Applicant.

Mr. Krupesh Bhosle a/w Ms. Mamta Pandey for the Respondent No.2.

Ms. A. A. Takalkar, APP for the State.

Ms. Pooja Chavan, PSI, Khopoli Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 5th AUGUST, 2025

P.C.:

1. Heard Mr. Pratik Sabale, learned Advocate for the Applicant. Ms. A. A. Takalkar, learned APP for the State and Mr. Krupesh Bhosle, 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 bail in connection with C. R. No.201 of 2024 registered with Khopoli Police Station, Raigad for the offences punishable under Sections 64(2)(f), 64(2)(m), 64(2)(i), 65(1), 74, 75, 76, 351(2) of the Bharatiya Nyaya Sanhita and under Section 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Mr. Swapnil Newaskar, learned Advocate for the Applicant submits that the said crime is registered as Special Case No.131 of

2024 and is pending before the Special Judge (POCSO) Panvel, Raigad.

4. Case of the prosecution is that the Applicant who happens to be father of the victim, sexually abused the victim. Victim lodged the present FIR complaining about the said act committed by her father.

5. Applicant was arrested 05.07.2024, since then he is in jail. Bail Application at Exhibit-2 filed in Special Case No. 131 of 2024 was rejected by the Special Judge (POCSO Act), Panvel, Raigad on 23.10.2024.

6. Mr. Swapnil Newaskar, learned Advocate for the Applicant submits that the victim was agitated as the Applicant was trying to control her. He submits that the victim was annoyed with the Applicant as the Applicant wanted the victim to go to school, instead, the victim was insisting in helping her mother in domestic work. He submits that it was on account of the said friction between the father and the daughter, that the victim lodged the said complaint. He submits that the statement of the victim is recorded before the Trial Court, wherein, the victim has not supported the prosecution case. He submits that the Applicant has not committed any acts as alleged in the present rime. He submits that the Applicant is the sole bread winner for his family which includes his wife and the victim. He submits that the Applicant's family will face financial difficulties if the Applicant continues to be in jail.

7. Ms. A. A. Takalkar, learned APP for the State submit that the

victim who is 17 years of age has been examined in Special Case No.131 of 2024 and her cross-examination is also complete. She tenders a copy of the deposition of the victim, same is taken on record and marked as "X" for identification. She refers to the statement made in the deposition at paragraph No.13. She submits that the prosecution will examine five more witness in the present crime.

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

9. Submission of Mr. Swapnil Newaskar, learned Advocate for the Applicant in the context of the registration of the FIR, finds support in the deposition of the victim recorded in Special Case No.131 of 2024, which reads as follows:

"हे म्हणजे खरे आहे की, मी खालापूर न्यायालयात गेले तेव्हा भावाने मला वडिलांच्याविरुद्ध बोलण्यास सांगितले होते"

10. The prime witness in Special Case No.131 of 2024 has not supported the case of the prosecution. Prosecution intends to examine further witnesses, which would prolong the trial. Considering the nature of allegations and the above-referred statement made by the victim before the Court in Special Case No.131 of 2024, no purpose would be served in continuing with the Applicant in jail.

11. Mr. Swapnil Newaskar, learned Advocate for the Applicant submits the Applicant shall support his family including the victim and provide them with all day to day requirements including proper education to the victim. He submits that the Applicant has neither has any grudge against victim nor will the Applicant keep

any grudge against the victim for having filed the complaint against the Applicant. Mr. Swapnil Newaskar submits that the Applicant shall fulfill his obligation as a husband and as a father. Statements are accepted.

12. In the peculiar facts and circumstances of the case, the Applicant is entitled to bail.

13. 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.201 of 2024 registered with Khopoli Police Station, Raigad on his furnishing PR bond in the sum of Rs.10,000/- with one or two sureties in the like amount to the satisfaction of the Special Judge (POCSO Act) Panvel, Raigad.

b) Applicant shall attend and regularly appear before the Special Judge (POCSO) Panvel, Raigad in Special Case No.131 of 2024 on each date of hearing, unless specifically exempted by the Court.

c) Applicant shall not tamper with evidence.

14. Bail Application No.2727 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)