

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

CRIMINAL BAIL APPLICATION NO. 2749 OF 2025

Kedar Navnath Salve. ... Applicant.

Vs.

The State of Maharashtra & Anr. ... Respondents.

Mr. Chetan Deshmukh, Advocate for the Applicant.

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

Mr. Ankur Pahade, Advocate for Respondent No. 2.

PSI Ajit Shinde, Nashik Road Police Station, Nashik.

CORAM : ASHWIN D. BHOBE, J.

DATE : 15th JULY, 2025.

P.C. :

1. Heard Chetan Deshmukh, learned Advocate for the Applicant and Dr. Takalkar, learned APP for State. Mr. Pahade, learned Advocate appears and states that he has instructions to appear on behalf of the Respondent No. 2. He waives service of notice.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 427 of 2024 registered at Nashik Road Police Station for the offences punishable under Section 75, 78 of Bharatiya Nyay Sanhita, 2023 (for short “BNS”), Section 12 of the Protection of Children from Sexual

Offences Act, 2012 (for short “POCSO Act”). Said Crime is registered as Special (POCSO) Case No. 45 of 2025 and is pending in the Court of Additional Sessions Judge, Nashik-road.

3. FIR in the present crime is registered at the instance of the complainant, claiming a 14 years old girl (victim) was harassed by the Applicant. Harassment as referred by the Respondent No. 2 is that the Applicant expressed his love towards the victim and caught hold of her hand.

4. Applicant was arrested on 2nd October, 2024 and since then he is in jail. Bail Application at Exh. 9 filed by the Applicant in Special (POCSO) Case No. 45 of 2025 was rejected by the learned Additional Sessions Judge, Nashik-road on 19th June, 2025.

5. Mr. Deshmukh, learned Advocate for the Applicant submits that the allegations made against the Applicant are not sufficient to attract ingredients of the offence charged against the Applicant. He submits that even if the allegations are considered, the same would indicate that the Applicant merely expressed his feelings towards the victim. He submits that Applicant had no intention to commit any offence.

6. Dr. Takalkar, learned APP for the State submits that the victim has made reference to the Applicant catching hold of her hand and expressing his love towards her. She submits that

considering the age of the victim, the offence is made out.

7. Mr. Pahade, learned Advocate for the Respondent No. 2 submits that the complaint was filed on the basis of misunderstanding. He on instructions from the Respondent No. 2 submits that neither the Respondent No. 2 nor the victim have any objection if the Applicant is released on bail.

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

9. Nature of the allegations made in the crime prima facie indicates that the Applicant who was 18 years and 5 months old, expressed his feelings towards the victim. Charge-sheet does not indicate any allegations against the Applicant, of the Applicant either having caused hurt or assaulted the victim. Coupled with the said position, the Respondent No. 2 i.e. mother of the victim is before this Court stating that the complaint was filed on the basis of misunderstanding.

10. In view of the peculiar facts and circumstances of the present case, moreso the charge-sheet not indicating the Applicant having assaulted or caused any harm to the victim and the maximum punishment in the present crime being 3 years, further incarceration of the Applicant during the pendency of the trial is not warranted.

11. In view of the above, Bail Application is allowed on the following conditions :

(a) Applicant be released on bail in Crime No. 427 of 2024 registered with Nashik Road Police Station upon furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Nashik-road.

(b) Applicant shall not tamper with prosecution evidence and also shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Investigating Officer.

(c) Applicant shall not contact to the victim or family members of the Respondent No. 2.

(d) Applicant shall attend each and every date of hearing in Special (POCSO) Case No. 45 of 2025 pending before the Additional Sessions Judge, Nashik-road, unless exempted.

(e) The Applicant upon release within 3 days shall furnish his residential addresses with proof and contact

details to the Court of Additional Sessions Judge,
Nashik-road and the Investigating Officer, Nashik Road
Police Station, Nashik.

12. Criminal Bail Application No. 2749 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)