

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2837 OF 2025**

Sunil Maruti Arsad ...Applicant
Versus
State Of Maharashtra Anr. ...Respondents

Ms. Sharanya Vast *a/w Disha Deshmukh and Surbhi Jain, for the Applicant.*

Ms. Poonam Bhosale, *APP for the State-Respondent.*

Mr. Karthik Rajasekhar *(through VC) for Respondent No. 2 (Legal Aid).*

SI – Supriya Patil, *Kherwadi Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 25th November 2025

PC:-

1. By way of this Application, the Applicant seeks his release on bail in connection with FIR No. 94 of 2018 dated 23rd March 2018 registered with the Bangur Nagar Police Station for the offences punishable under Sections 363, 376 of the Indian Penal Code, 1860 (for short, “IPC”) and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”).

2. The Applicant, by order dated 6th December 2019, was granted bail by the Special Judge under POCSO Act, Sessions Court, Borivali Division, Dindoshi. The Sessions Court granted him bail on the consideration that the victim, at the time of the offence, was 17 years of age and that there was a consensual relationship between her and the Applicant. The Court also observed that the victim herself had eloped with the Applicant on 22nd March 2018 and had gone with him to Nashik, where they resided together in a rented premises. Both the parties had cohabited from March to July 2018 on account of their consensual relationship and the fact that no purpose would be served by continued detention of the Applicant, the Sessions Court enlarged him on bail.

3. Thereafter, for a period of two years, the Applicant failed to attend the Trial Court and did not comply with the conditions imposed by the Trial Court in the bail order. Ms. Sharanya Vast, learned Counsel for the Applicant, has attempted to justify his absence before the Trial Court on

account of COVID-19 pandemic. She submits that the Applicant had gone to his native place at Parbhani and on account of lockdown in the country, was unable to return to Mumbai to attend the trial.

4. *Per contra*, Ms. Poonam Bhosale, learned APP, as well as Mr. Karthik Rajasekhar, learned Counsel for Respondent No.2 have pointed out that even after the lockdown ceased to exist, for a period of two years, the Applicant was absconding. Thereafter, NBW was issued by the Trial Court, leading to the Applicant's arrest on 11th December 2024. He is in custody since then.

5. The Applicant made an application seeking bail again before the Trial Court. However, by order dated 13th March 2025, his bail application was rejected.

6. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

7. This is a case where the Applicant has violated all the conditions of bail and absconded for a period of three years. It was only after the Trial Court issued NBW against him that the Applicant was found and brought to face trial. Ms. Bhosale submits that the charges are framed and the trial is likely to commence soon. Be that as it may, the Applicant is now in custody for almost a year. As observed by the Trial Court in its order dated 6th December 2019, there was a consensual relationship between the Applicant and the victim, who was aged about 17 years at that time. It is not desirable to criminalize a relationship between two adolescents. However, taking a grim view of the fact that the Applicant violated all the conditions of the bail order as directed by the Trial Court, the interest of justice would be served by imposing stringent conditions on the Applicant while releasing him on bail. The Applicant is thus, enlarged on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.5,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned once a week, on every Monday, between 10:00 a.m. and 12:00 p.m. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall not leave India, without permission of the trial Court;

vi) The Applicant shall inform his latest place of residence and mobile 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 concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail;

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

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

(Dr. Neela Gokhale, J)