

AGK

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

BAIL APPLICATION NO.2882 OF 2025

Pappu Ramsevak Yadav ... Applicant
V/s.
 The State of Maharashtra & Anr. ... Respondents

Mr. Sachindra B. Shetye with Ms. Dhanashri Mandkar
 and Ms. Vrushali Shivgan for the applicant.

Mrs. Rajashree V. Newton, APP for respondent No.1-
 State.

Mr. Mainak Adhikary for respondent No.2-victim
 (appointed as Legal Aid).

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CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 23, 2025

P.C.:

1. The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), seeking regular bail. The case arises from Crime Register No. 10 of 2025 registered with Mahad M.I.D.C. Police Station. The applicant is charged for offences punishable under Sections 64(2)(f), 64(2)(i), 74, 75(2), 76, 78(1) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”), and also under Sections 4, 6, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

2. As per the prosecution case, the victim was residing with her family at Mahad, which included her father (the applicant),

mother Mamta, brother Adarsh, and maternal uncle Akhilesh Yadav. They lived together as a joint family. The applicant was running a shop in the name of Krishna Electricals, and the maternal uncle used to assist him. In 2017, while residing at Joshi Chawl, Birwadi, when the victim was alone at home around 6 to 7 in the evening, the applicant-father allegedly touched her indecently, thereby outraging her modesty. Thereafter, he continued to behave in an indecent manner with her.

3. It is further alleged that in 2019, while the victim was alone at home, the applicant forcefully committed sexual assault upon her. He threatened her that if she disclosed the incident, he would abandon the family, making their survival difficult. The victim explained that she did not disclose the matter earlier due to threats, and also because her mother and younger brother used to remain unwell.

4. The complaint further narrates that in 2020, after shifting to Sai Park Society, Birwadi, the applicant again tried to remove her clothes when she was alone. The victim managed to run away. It is further alleged that from November 2022, the victim was pursuing Engineering studies at Finolex Academy of Management and Technology, Ratnagiri, and was residing there. In November 2024, when her mother had gone to the native place in Uttar Pradesh and her exams were over on 20 January 2025, the applicant went to Ratnagiri and took her to Birwadi. They reached there around 8.30 p.m. It is alleged that at 9.30 p.m., while she was studying, the applicant called her into the bedroom with ill intention. She immediately informed her mother over phone. The victim further

states that while studying in the hall, she kept her mobile on video recording mode. According to her, the said recording shows the applicant entering the hall at about 12.30 a.m. and forcing her to go into the bedroom. On the next day, i.e., 21 January 2025, at about 21.19 hours, the First Information Report was lodged with Mahad M.I.D.C. Police Station.

5. Learned Advocate for the applicant argued that the applicant has been falsely implicated. It was submitted that there were disputes between the applicant and his daughter regarding her educational performance, which led to filing of a false complaint. It was pointed out that the first alleged incident is of 2017, the second of 2019, and the third of 2020, yet the FIR has been lodged only in January 2025. It was further submitted that the video recording mentioned in the FIR can be scrutinised by the Court to verify whether the applicant was compelling the informant for any sexual act. Counsel further argued that investigation is complete and charge-sheet has been filed. It was also urged that since the victim was studying at Ratnagiri from November 2022, she could have lodged the complaint earlier. On these grounds, it was submitted that the applicant deserves to be released on bail.

6. On the other hand, the learned APP and the learned Advocate appointed to represent respondent No.2-victim opposed the application. They submitted that the allegations are grave and serious in nature. The applicant being father of the victim, there was delay in lodging the FIR as she was a minor and under constant threat. They contended that if released on bail, the applicant may influence or intimidate the victim. They, therefore,

prayed for rejection of the bail application.

7. I have considered the rival submissions and perused the record. The allegations against the applicant are undoubtedly grave and serious, more so since the complainant is his own daughter. At the same time, certain factors weigh in favour of the applicant while deciding the present bail application.

8. The first alleged incident is of the year 2017. The second is of 2019, and the third is of 2020. The complaint came to be lodged only on 21 January 2025, almost five years after the last alleged incident. The explanation for delay has been offered, but such long silence by the victim, despite her pursuing higher education and residing separately at Ratnagiri since November 2022, raises doubt about the immediacy of threat or compulsion.

9. It is further to be noted that the investigation in this case is complete and charge-sheet has been filed. Hence, the custodial interrogation of the applicant is not required. Continued detention will not serve any further purpose at this stage.

10. The apprehension of the prosecution that the applicant may influence the victim can be safeguarded by imposing appropriate conditions while granting bail. The applicant is a permanent resident of Mahad and is not likely to abscond.

11. The law on bail is well settled that grant of bail is a rule and refusal is an exception. The object is to secure the presence of the accused during trial. Liberty of an individual cannot be curtailed unnecessarily once investigation is complete and trial may take long time.

12. Considering the totality of circumstances, I am of the opinion that the applicant has made out a case for grant of bail.

13. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.10 of 2025 registered with Mahad M.I.D.C. Police Station for offences punishable under Sections 64(2)(f), 64(2)(i), 74, 75(2), 76, 78(1) and 351(2) of the BNS and under Sections 4, 6, 8, 10 and 12 of the POCSO Act, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - (a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly the victim.
 - (b) The applicant shall report to the Mahad M.I.D.C. Police Station on the 1st Monday once in three months, between 10:00 a.m. and 12:00 noon, until further orders.
 - (c) The applicant shall not leave the State of Maharashtra without prior written permission of the Trial Court.
 - (d) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.
 - (e) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to

the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(f) The applicant shall attend each and every date before the Trial Court, unless specifically exempted.

(g) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

14. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)