

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

Criminal Bail Application No.2903 of 2025

Kakasaheb s/o Manikrav Lature
Aged: 71 yrs, Occ: Retired,
R/o Flat No.906/C-2, Stella
Tower, Dudulagaon, Tq.Haveli,
Dist. Pune.

... Applicant.

Vs.

1. The State of Maharashtra
through Police Station Officer,
Dighi Police Station, Dist. Pune

2. XYZ

(under Dighi police station,
Pimpri Chinchwad, Pune
Pin-412105)

... Respondents.

Mr Deendayal Dhanure with Ms Apurva Gudewar and
Aditya Kawad for applicant.
Mr BB Kulkarni, APP for the respondent / State.

Coram : R.N.Laddha, J.

Date : 12 November 2025.

P.C. :

By this application, the applicant seeks bail in
connection with CR No.571 of 2024, registered at Dighi
Police Station, Pimpri-Chinchwad, Pune, for offences
punishable under Section 74 of the Bharatiya Nyaya

Sanhita, 2023 ('BNS'), and Sections 8, 9 and 10 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act').

2. It is the case of the prosecution that on 27 December 2024, the victim, a minor female child aged about nine years, entered in the elevator of her residential premises, at that time, the applicant, aged about sixty-five years, was already present in the said lift and, taking advantage of the enclosed space and the absence of other persons, proceeded to engage in acts of sexual misconduct. Specifically, the applicant is alleged to have kissed the victim on her lips and thereafter made unlawful and inappropriate physical contact with her chest and thighs.

3. Mr Deendayal Dhanure, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the present crime. It is the specific contention of the learned Counsel that the allegations levelled against the applicant are baseless and bereft of substantial material, and that the foundational ingredients necessary to attract the provisions of the alleged offence are

not, even *prima facie*, discernible from the record. It is submitted that the investigation in the present crime has been duly completed and culminated in the filing of a charge sheet before the competent Court. The learned Counsel further submits that no incriminating material remains to be recovered or discovered at the instance of the applicant, and that his custodial interrogation is no longer warranted. The applicant has been languishing in jail since 28 December 2024.

4. On the other hand, Mr BB Kulkarni, the learned Additional Public Prosecutor representing the respondent/State, vehemently opposes the applicant's request for bail. He submits that the victim girl is a minor child, aged about nine years, whereas the applicant is a senior citizen, aged about sixty-five years, which underscores the disparity in age and power dynamics. The learned APP draws the attention of this Court to the specific role attributed to the applicant in the commission of the alleged offence, which is *prima facie* corroborated by CCTV footage and the statement of the victim. It is submitted that the minor victim, visibly distressed and alarmed by the applicant's conduct, immediately disclosed the incident to her father.

5. The learned APP further submits that the acts attributed to the applicant are of such a nature as to attract penal provisions under the POCSO as well as relevant sections of the BNS, and are both morally abhorrent and legally punishable. It is further argued that both the applicant and the victim reside in the same residential complex, which raises a legitimate apprehension that, if enlarged on bail, the applicant may attempt to influence the victim or other material witnesses, or tamper with the evidence.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

7. The allegations against the applicant pertain to grave and morally reprehensible acts of sexual misconduct committed against a minor female child aged about nine years. It is the specific case of the prosecution that the applicant, a senior citizen aged about sixty-five years, took advantage of the enclosed space of an elevator and the absence of other persons to engage in deliberate and inappropriate physical contact with the victim, including

kissing her on the lips and touching her chest and thighs. The nature of the alleged acts, if established, attracts stringent penal provisions under the POCSO and relevant sections of the BNS. The material placed on record, including the statement of the victim and the CCTV footage from the residential premises, *prima facie* corroborates the allegations levelled against the applicant.

8. The victim's immediate disclosure of the incident to her father further lends credence to the prosecution's case and reflects the spontaneity and consistency of her account. The significant age difference between the applicant and the victim underscores a clear imbalance of power and authority. The alleged conduct of the applicant, if true, reflects an abuse of such disparity and raises serious concerns regarding the safety and psychological well-being of the minor victim. It is not disputed that both the applicant and the victim reside in the same residential complex. In such circumstances, the apprehension expressed by the prosecution that the applicant, if released on bail, may attempt to influence the victim or other material witnesses, or tamper with the evidence, cannot be lightly brushed aside. The proximity of residence and the tender

age of the victim heighten the risk of interference with the trial proceedings. While it is submitted on behalf of the applicant that the investigation has been completed and the charge sheet has been filed, it is well settled that the mere filing of a charge sheet does not *ipso facto* entitle an accused to bail, particularly in cases involving serious offences against children. The Court must also consider the likelihood of the accused influencing the trial or causing trauma to the victim.

9. In view of the foregoing, this Court is of the opinion that the applicant has not made out a case for the grant of bail. The allegations are serious in nature, supported by *prima facie* material, and the possibility of the applicant interfering with the prosecution witnesses cannot be ruled out. As a result, the application stands rejected.

10. In the light of the facts and circumstances of the case, the learned trial Court is requested to expedite the trial proceedings.

[R. N. Laddha, J.]