

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

Criminal Bail Application No.3044 of 2025

Mohan Maruti Jadhav

Age: 52 years, Occ.: Business,

R/at. Flat No.707, C-Wing,

Mount Skep Society, Pisoli,

Undri, Pune.

(At present Yerwada Jail)

... Applicant

versus

1. The State of Maharashtra

(At the instance of Sr. P.I.,

Chatushruni Police Station,

Pune City, Pune.

2. "X"

Age: 17 years

Complainant in Cr No.184 of 2025

Registered with Chatushruni Police

Station, Pune City, Pune.

... Respondents

Mr Prashant Hagare, for the applicant.

Mr Makrand Patil, APP, for respondent No.1/ State.

Ms Manisha Devkar, a/w. Ms Anjali Kondvilkar, for respondent
No.2, through VC.

API Sachin Karande, Chaturshrungi Police Station, is present.

Coram: R.N. Laddha, J.

Date: 8 October 2025.

P.C.:

By this application, the applicant seeks bail under Section 439 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS) in connection with CR No.184 of 2025, registered at Chatushrungi Police Station, Pune, for offences punishable under Sections 75 and 78 of the Bharatiya Nyaya Sanhita, 2023, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that the present applicant is the maternal uncle of the victim, a minor girl aged 17 years and 25 days as on the date of registration of the First Information Report. The victim had been residing in Pune along with her mother since June 2023. During this period, the applicant is stated to have frequently visited their residence and maintained regular contact with the victim under the pretext of providing her career-related guidance. The prosecution alleges that in February 2024, while escorting the victim to her 11th standard examination centre, the applicant made an unsolicited and inappropriate proposition by asking the victim whether he could be her boyfriend. The victim, reportedly disturbed by the query, refrained from responding and proceeded to attend her examination.

3. Subsequently, the applicant is alleged to have persistently harassed the victim through electronic communication, sending her messages of a romantic nature, including expressions such as “I love you.” The victim, distressed by such conduct, is stated to have confided in her college counsellor, who thereafter summoned the victim’s mother and advised her to instruct the applicant to refrain from contacting the victim. The mother is said to have acted upon such advice, following which the applicant temporarily ceased communication. However, in August 2024, the applicant and the victim were allegedly alone in the applicant’s vehicle, during which the applicant is stated to have first held the victim’s hand and thereafter touched her inappropriately. Upon being informed of the incident by the victim, the mother once again cautioned the applicant to desist from contacting the victim. The applicant is alleged to have complied briefly, but thereafter resumed sending messages to the victim. On 25 April 2025, the victim is stated to have narrated the entire sequence of events to her maternal grandmother, who in turn informed the victim’s father and paternal uncle. Pursuant thereto, the present complaint came to be lodged.

4. Mr Prashant Hagare, learned Counsel appearing for the applicant, submits that the applicant has been falsely implicated

in the present case and that the allegations are motivated and devoid of substance. It is contended that the applicant, being the maternal uncle of the complainant, had maintained a familial relationship with her and that there is no cogent material on record to establish that the applicant had persistently harassed the complainant through electronic messages.

5. The learned Counsel further submits that the applicant's statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) clarifies that any physical contact with the complainant was purely accidental and that there is no allegation of penetrative sexual assault. It is further submitted that the complainant herself has filed an affidavit before the learned Court stating that she has no objection to the grant of bail to the applicant and that the complaint was filed under coercion and familial pressure.

6. The Counsel further submits that the investigation in the matter stands concluded, the charge sheet has been filed, and there is no further requirement for custodial interrogation or recovery. It is also submitted that the applicant has no criminal antecedents and that the maximum punishment prescribed for the alleged offences is five years. The applicant has been in

judicial custody since 28 April 2025 and has undergone incarceration for over five months. The applicant is stated to be willing to comply with any conditions that may be imposed by this Hon'ble Court in the event of the grant of bail.

7. Mr Markand Patil, learned Additional Public Prosecutor appearing for the State, has opposed the bail application on the ground that the allegations pertain to offences of a grave and serious nature involving sexual misconduct against a minor girl. It is submitted that the applicant, aged 52 years, not only harassed the complainant through repeated messaging but also committed acts amounting to sexual assault.

8. The learned APP has expressed apprehension that, being a close relative of the complainant, the applicant may influence or intimidate the witnesses if released on bail, thereby adversely affecting the integrity of the trial proceedings.

9. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. The allegations against the applicant, though serious, pertain to non-penetrative sexual assault. The statement of the applicant recorded under Section 183 of the BNSS indicates that the physical contact was accidental and not deliberate. The complainant has placed on record an affidavit stating that she

has no objection to the release of the applicant on bail and that the FIR was filed under pressure from family members. While such an affidavit does not absolve the applicant of criminal liability, it is a relevant factor in assessing the likelihood of further victimisation or threat to the complainant upon release. It is an admitted position that the investigation in the present matter has been concluded and the charge sheet has been filed before the competent Court. The applicant has no prior criminal antecedents and has been languishing in jail since 28 April 2025. The maximum punishment prescribed under the alleged sections is not more than five years' imprisonment. According to the prosecution, the age of the victim was 17 years 25 days at the time of the incident.

10. In view of the foregoing, and considering the completion of the investigation, absence of antecedents, affidavit of no objection by the complainant, the applicant's willingness to comply with the conditions and the stage of the trial, this Court is of the opinion that the applicant is entitled to be released on bail. Hence, the following order:

Order

- (i) The applicant shall be released on bail in CR No.184 of 2025, registered at Chaturshrungi Police Station, Pune, upon

furnishing a PR Bond of Rs. 25,000/- with one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence and exert influence over witnesses.

(iii) The applicant shall not directly or indirectly contact the complainant or her family members.

(iv) The applicant shall regularly attend and cooperate with the jurisdictional Court for the expeditious disposal of the case.

11. The application stands disposed of accordingly.

[R.N. Laddha, J.]