

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

**Bail Application No.3202 of 2025**

Yash Raju Shirsat

Age-18 years, Occu. - Student,

R/o. - Kate Puram Chowk,

Near Mayur Nagari

Tal. - Navi Sangvi, Dist. - Pune

[At present Yerwada Central Prison]

... Applicant

Versus

1. The State of Maharashtra

[Through Bhosari MIDC Police Station,

Dist. - Pune, C.R. No.94/2025]

2. XYZ

[R2 shall be served through

Respondent No.1]

... Respondents

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Mr Priyal G Sarda, a/w. Ms Seema S Dighe and Mr Shubham Sane, for the applicant.

Mr Swapnil S Pednekar, APP, for the respondent/ State.

Mr Rajesh Ranglani, for respondent No.2.

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**Coram: R.N. Laddha, J.**

**Date: 8 October 2025.**

**P.C.:**

Heard Mr Priyal Sarda, the learned Counsel appearing on behalf of the applicant, Mr Swapnil Pednekar, the learned

Additional Public Prosecutor representing respondent No.1/ State, and Mr Rajesh Ranglani, the learned Counsel appearing for respondent No.2.

2. By this application, the applicant seeks bail in connection with CR No.94 of 2025, registered at Bhosari MIDC Police Station, Pune, for offences punishable under Sections 137(2) and 64(2)(i) of the Bharatiya Nyaya Sanhita, 2023, and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. It is the case of the prosecution that on 26 February 2025, an unknown individual enticed the victim and unlawfully removed her from the lawful custody of her guardian. It is further alleged that, upon the victim's return on 1 March 2025, it emerged that the applicant took the victim to his house in Chikhali and, under the guise of marriage, subjected her to forcible sexual intercourse.

4. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He contends that the applicant and the victim shared a consensual relationship, and that the victim left her aunt's residence of her own accord. There has been no recovery associated with the applicant, and

the investigation has concluded, culminating in a charge sheet. The learned Counsel highlights that the applicant is a young boy, well-rooted in the community and does not present a flight risk. He points out that the applicant has been languishing in jail since 4 March 2025, and to date, the charge has not yet been framed. Furthermore, the continued detention of the applicant would serve no discernible purpose, primarily since there exist material discrepancies in the statements of the victim and the trial will take its own time. The applicant is ready and willing to abide by any conditions set forth by this Court.

5. The learned Additional Public Prosecutor appearing on behalf of respondent No.1/ State opposing the applicant's request for bail, submits that the offence is of a grave nature. The allegations against the applicant are serious allegations, which strike at the very fabric of societal norms and legal protections accorded to minors. The learned APP submits that if the applicant is released on bail, he may tamper with the evidence or influence witnesses.

6. The learned Counsel appearing on behalf of respondent No.2, on instructions, submits that the informant and the applicant were in a romantic relationship. He further states that the informant holds no grievances against the applicant and has

expressed her consent, as well as no objection, to granting bail to the applicant.

7. This Court has given anxious consideration to the submissions advanced across the Bar. A perusal of the records indicates that, initially, a First Information Report (FIR) was lodged by the victim's mother alleging that on 26 February 2025, the victim had been abducted by an unknown individual. Subsequently, it appears that the victim returned home on 1 March 2025, and her statement was recorded. In this statement, the victim stated that, harbouring resentment and distress from being reprimanded by her mother in January 2025 concerning her relationship with the applicant, she left her aunt's residence without informing anyone and went to a Shiva Temple in Chikhali. Frightened as it became dark, she stayed in the Temple for two days and later proceeded to Pune Station, where she stayed for another two days. On 1 March 2025, she contacted the applicant and requested him to retrieve her. Although the applicant initially refused, citing their minor status and his mother's restrictions, it is stated that, later that day, he, along with his mother and friend, Devendra, retrieved the victim and escorted her to Dapodi Police Station. Following this, on 4 March 2025, the victim gave a supplementary statement, in which she claimed that she had left her aunt's

residence to visit the applicant's house in Chikhali, where, under the pretence of marriage, the applicant engaged in forced physical relations with her. She further stated that upon learning her family was searching for her, on 1 March 2025, the applicant, his mother and friend, Devendra, brought her to the Dapodi Police Station. The inconsistency between the victim's statements recorded on 1 March 2025 and 4 March 2025 casts significant doubt on the veracity of the prosecution's narrative, especially in light of the prosecution's failure to record the statements of crucial witnesses, namely the applicant's friend, Devendra, and the police personnel stationed at the Dapodi Police Station at the relevant time. Furthermore, the record does not reveal whether any efforts were made to investigate the manner in which the victim travelled to Chikhali, Dapodi, and Pune, which would substantiate the claims made in the statement dated 4 March 2025. This omission raises concerns regarding the thoroughness and credibility of the investigation and the prosecution's version of events.

8. In addition, the applicant has been languishing in jail since 4 March 2025. The investigation into the alleged crime is complete, and no further evidence or information is expected to be recovered or discovered from the applicant. Although the

charge sheet was filed on 15 May 2025, no charges have been framed to date. The applicant is a young boy, approximately 18 years of age, with no prior criminal antecedents, while the victim is 16 years old. Moreover, the learned Counsel for respondent No.2 submits that respondent No.2 has expressed her consent to granting bail to the applicant. Respondent No.2 is present before this Court and, when questioned, confirms that she has no grievance against the applicant and has no objection to the applicant being granted bail.

9. Having considered the inconsistencies in the statements, the absence of the applicant's prior criminal antecedents, the peculiar circumstances of the present case, and the pending status of the trial, this Court is inclined to grant bail to the applicant. Hence, the following order:

**ORDER**

- (i) The applicant shall be released on bail in CR No.94 of 2025, registered at Bhosari MIDC Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

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

10. The application stands disposed of accordingly.

**[R.N. Laddha, J.]**