

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3530 OF 2025**

Rohit Vinod Javare ...Applicant
Versus
State Of Maharashtra and Anr. ...Respondents

Mr. Raj Chourasia, *for the Applicant.*
Ms. Manisha R. Tidke, *APP for the Respondent-State*
Ms. Samiksha Pawar, *for Respondent No.2 (Legal Aid)*
PSI – Y. B. Kadam, *Kulgaon Police Station, Thane Rural, is present.*

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

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 81 of 2024 dated 5th August 2024 registered with Kulgaon Police Station for offences punishable under Section 137(2) of the Bhartiya Nyaya Sanhita, 2023 ('BNS'). Upon investigation, Sections 64, 65(1), 69, 71, 351(2), 3(5) of the BNS and Sections 4, 6, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 were added.

2. Mr. Chourasia appeared for the Applicant while Ms. Manisha Tidke, learned APP represented the State. Ms. Samiksha Pawar, Advocate from the Legal Aid Services panel represented the Respondent No.2-victim.

3. The case of the prosecution is that the victim was 16 years of age at the time of the incident. She was acquainted with the Applicant and was in touch with him on his mobile phone. Her mother namely Vaishali Mahabale, the first informant has alleged that on 4th August 2024, her daughter i.e. the victim herein left the house at 9.30 a.m. to go for her stitching class. She did not come home at her regular time. Her mother tried to call her on her mobile phone. However, the phone was switched off. She thus, went to the police station to record her complaint as she was convinced that the Applicant had lured her daughter to run away with him. Hence, she filed the complaint and accordingly the FIR was registered.

4. During the hearing of the bail application, Ms. Pawar, the Advocate appearing for the Complainant/first informant stated that there are three accused in all. One accused is a juvenile. Both of them are implicated in the present case as they assisted the Applicant in committing the said offence. Ms. Pawar brought to my notice the statement of the victim dated 10th September 2024. The victim has clearly stated that she was taken away by the Applicant on the promise of marriage. However, on 17th August 2024, when she went away with him he forcibly had a sexual intercourse with her. He also introduced the co-accused namely one Rahul Jagtap who also forcibly had sexual intercourse with the victim. Ms. Pawar however, brings to my notice an order dated 16th October 2024 passed by the Special Judge, POCSO, Kalyan whereby said Rahul Jagtap was released on bail. His bail application was allowed primarily on an affidavit affirmed by the victim, where she has averred that she willingly went away with the Applicant herein. She has also stated in her affidavit that said

Rahul Jagtap had no role in the offence and she implicated him on the say of the present Applicant.

5. Ms. Manisha Tidke, learned APP, brought my attention to the birth certificate of the victim which shows her date of birth as 06th March 2008 and as such her age is ascertained to be 17 years and 6 months. She also submitted that the present Applicant has three antecedents including offences under the POCSO Act.

6. While I was hearing the Counsel appearing for the parties, the victim came into the Court Room and attempted to address the Court. Her mother who was also present rushed to her and attempted to take her outside the Court Room. While she was doing so, she was shouting at the victim asking her as to why she had come to the Court. The mother dragged her daughter outside the Court Room, whereupon one Mr. S. N. Raj, an Advocate practicing in this Court, rushed in the Court Room and informed the Court that one man was assaulting the victim outside the Court Room. Immediately, I

directed the Investigating Officer in the present matter to stop the assault. I also called a lady police constable to ensure the safety of the victim.

7. The victim came inside the Court Room along with the lady constable and informed the Court that the man assaulting her was her father and she was being ill treated at home. She also informed me that she was about 17 and half years of age and was desirous of marrying the Applicant. In order to pacify the minor victim, I sent her with the lady constable, to my chambers.

8. Thereafter, I interviewed her in the chambers. She once again conveyed her desire to marry the Applicant and requested that he should be released from jail. She said that she was working as an Assistant Nurse in a private hospital in Ambarnath. She also informed me that she was apprehensive about returning to her house to her parents.

9. During my interaction with the victim, she came across as desperate to somehow meet the Applicant as she repeatedly professed her love and affection for him. I counseled her in the chambers, but her only requests is to live with the Applicant.

10. Considering the age of the victim, the antecedents of the Applicant and the circumstances of the victim's parents, I am of the considered view that the victim needs protection till she attains majority in the next six months. In the interest of the minor victim, I therefore, direct that the victim Gauri Surendra Mahabale aged about 17 years and six months being born on 6th March 2008 be admitted in the Shaskiya Mulinche Nirikshan Griha/Vishesh Bal Griha, Near Tehsil Karyalaya, Gandhi Road, Ulhasnagar-5, Thane. The Superintendent of the aforesaid observation home is directed to admit Ms. Gauri Mahabale in the care and custody of the said home for a period of 6 months from today.

11. The victim is presently in Court. Ms. Manisha Tidke has informed me that her parents are also waiting for her to come out of Court. In these circumstances, the police officials of the Azad Maidan Police Station are requested to facilitate the movement of Ms. Gauri Mahabale from the Court premises to the said observation home. For the said purpose, the police officials are requested to arrange transport as well. Ms. Gauri be accompanied by a woman police constable.

12. Stand over to 15th October 2025, only to ascertain the status of the victim.

13. In the meantime, the Trial Court is requested to frame charges and record the deposition of the victim as expeditiously as possible and preferably within a period of three months from the date on which this order is presented to it.

14. All parties to act on an authenticated copy of this order.

(Dr. Neela Gokhale, J)