

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3914 of 2025**

Bhagvan Vaman Sandanshiv ...Applicant

Versus

State of Maharashtra and Anr. ...Respondents

Mr. Jyotiram S. Yadav, *for the Applicant.*

Ms. Anuja S. Gotad, *APP for the State-Respondent No.1.*

Ms. Priyanka Yadav, *for Respondent No.2.*

PSI – Bajrang Desai, *Samta Nagar Police Station, is present.*

CORAM Dr. Neela Gokhale, J.

DATED: 13th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 570 of 2023 dated 27th August 2023 registered with Samta Nagar Police Station, Mumbai City for the offenses punishable under Section 354 of the Indian Penal Code, 1860 (for short 'IPC') and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. It appears from the FIR that the victim was only 8 years of age at the time of the incident and the Applicant was 60 years of age. The Applicant has abused the victim on as many

as two occasions. There is a statement given by the mother of the victim to police on 27th August 2023. There is also a statement of the victim given to the police on 30th August 2023, reiterating the incident that happened with her.

3. A bail application was filed before the Trial Court and by order dated 11th December 2023, the said bail application was rejected. It is pertinent to note that at the time of hearing of the said bail application, the complainant had strenuously objected to the bail application. Thereafter, the Applicant filed the bail application before this Court and by order dated 5th August 2025, the Application came to be withdrawn since this Court was not inclined to grant relief. The Applicant was given liberty to file a fresh bail application before the Trial Court, in the event the material witnesses are not examined within a period of three months. It is specifically recorded by this Court in the said order that the request to withdraw with the liberty as sought, was made with an understanding of the consequences of such withdrawal.

4. Now, within a period of three months, the Applicant is before this Court once again, seeking the same relief. Mr. Jyotiram Yadav, learned Counsel for the Applicant, submits that the changed circumstances are that the complainant has indicated her unwillingness to pursue the criminal case against the Applicant. Ms. Priyanka Yadav, learned Counsel for the complainant/Respondent No.2 also submits that the complainant i.e. the mother of the victim does not want to pursue the prosecution.

5. Ms. Anuja Gotad, learned APP, submits that the offences are grave and serious. The victim was only 8 years of age at the time of incident. The incident has reoccurred and it is not a stray incident. In any case, this Court, on merits, was not inclined to grant relief to the Applicant in the earlier bail application. There is no significant nor substantial change in circumstances from the time the bail application was withdrawn from this Court, save and except that the Applicant now submits that the complainant does not wish to pursue the prosecution.

6. The Complainant herself is present in court. I inquired with her as to why she is unwilling to pursue the prosecution. To this, she stated that there was a misunderstanding between the complainant and the Applicant and hence, the complaint was made. On further inquiry, she states that the incident occurred but now she does not want to pursue the prosecution. This is an offence under POCSO Act. A perusal of the record, especially the argument of the Complainant before the Trial Court as well as before this Court in the earlier proceeding, does not indicate in any manner that the complaint arose out of a misunderstanding. There seem to be some other forces at play. In view of this, I deem it appropriate to appoint Ms. Ashwinii Achari, learned Advocate, as amicus to assist the Court in determining the present application.

7. Stand over to 7th November 2025.

(Dr. Neela Gokhale, J)