

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

CRIMINAL BAIL APPLICATION NO. 3783 OF 2025

VAIBHAV NANDKISHOR KHESE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sandeep S. Salunkhe (through V.C.)
a/w. Mr. Somnath Thengal and Mr. Sachin Bhawar
APP for Respondent No.1 : Dr. Ms. A. A. Takalkar
Advocate for Respondent No.2 : Ms. Pallavi Kante (*Appointed*)

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 20-04-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.1210 of 2023 registered with Karad City Police Station, District Satara, for the offences punishable under Sections 376, 376(2)(n) and 406 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. The prosecution's case is that in September 2022, the applicant initiated contact with the victim, after obtaining her phone number by claiming to be a neighbor. He expressed romantic interest, and despite the victim stating she was a minor, the applicant reportedly stated his intention to marry. The

prosecution alleges that in January 2023, the applicant lured the victim to his residence while it was empty and committed sexual assault. Subsequently, a similar incident is alleged to have occurred in August 2023 under the pretext of a marriage promise. In September 2023, the applicant cited financial difficulties and persuaded the victim to hand over her family's gold ornaments, promising their eventual return. On 02.11.2023, a third instance of sexual assault was reported at the applicant's home. The situation was discovered by the victim's mother during Diwali when she noticed the missing jewelry. As such, the report came to be lodged.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated. The allegations are an afterthought. The investigation is complete and the chargesheet is filed. Further incarceration is not required. There is unexplained 11-month delay in lodging the FIR. The complaint was only filed after the victim's mother questioned her about missing jewelry. The allegations of sexual assault are general, lack evidence of physical force or abduction, and are unsupported by the medical findings. Furthermore, since the jewelry has already been recovered, there is nothing is to be recovered from the applicant. Hence, prayed to release the applicant on bail.

4. Learned A.P.P. for respondent No.1/State and the learned counsel for the victim have opposed the application and contended that the applicant is sexually assaulted the minor victim and further allured her took away gold ornaments from the family. As such, same disentitle the applicant. Further an apprehension is also expressed that if the Applicant is enlarged on bail, there is every possibility of tampering the prosecution evidence. Hence, prayed to reject the application.

5. Upon considering the submissions and perusing the material on record including the statement of the victim, *prima facie*, indicates that the victim and the applicant were known to each other and were in a consensual relationship. The conduct of the victim indicates that she had raised no objection or alarm about the acts of applicant at any stage. It is only when the mother of the victim confronted about missing of ornaments, the victim disclosed the alleged incident. Moreover, the necessary recovery is carried out by the investigation agency. The applicant is in custody since 13.11.2023 i.e. for more than two years five months. As such, further incarceration of the applicant may amount to pre-trial investigation which is neither justified nor warranted.

6. Having regard to the number of the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As far as the apprehension expressed by the APP is concerned, the same can be taken care of by imposing stringent conditions. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

7. Hence, the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant, Vaibhav Nandkishor Khese, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount in Crime No.1210 of 2023 registered with Karad City Police Station, District Satara, for the offences punishable under Sections 376, 376(2)(n) and 406 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, on the conditions that;
 - (a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall not enter the jurisdiction of the concerned police station till the conclusion of the trial.

- (c) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
- (d) The applicant shall submit their Aadhar or Pan Card to the Investigation Officer and detailed addresses and phone numbers of the applicant and two of the near relatives.
- (e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein, are to the extent of this application and the trial court shall not be influenced by the same.
- (iv) The Bombay High Court Legal Services Committee, Circuit Bench at Kolhapur, to pay the fees to the learned counsel appointed for respondent No.2.

[SACHIN S. DESHMUKH]
JUDGE

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