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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.155 OF 2026

Mr. Praveen Yadav Unawane ...Applicant

V/s.

The State of Maharashtra & Anr. ...Respondents

Ms. Meghna Gowalani a/w Adv. Saharsh Manyar, for the Applicant.
Ms. Anagha A. Deshmukh, APP for the Respondent-State.
Mr. Rutvij Solanki (appointed Advocate through Legal Aid) a/w Mr. Sohan Patil, for the Respondent No.2.
Ms. Suvarna Walke, PSI, Ulhasnagar Police Station, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 6th OCTOBER, 2026

P.C. :-

1. Heard learned counsel for the parties. Perused the record.

2. Applicant seeks his release on bail in connection with Special Sessions Case (POCSO) No.236 of 2022. Said case arising out of an FIR bearing Cr.No.100 of 2022, registered with Ulhasnagar Police Station, Thane City for the offence punishable under Sections 363, 366(A) & 376(2)(i) of the Indian Penal Code, 1860 ("IPC") and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act"), on the report dated 25th February, 2022 filed by Respondent No.2 - mother of the victim girl.

3. Respondent No.2 is the mother of the victim girl, aged 14 years. The allegations against the applicant are that, between 24th February, 2022 to 8th July, 2022, the applicant kidnapped the victim out of her lawful guardianship and took her to Nashik. There, he performed marriage with her. The two then resided together as husband and wife. During that period, the applicant had committed

sexual intercourse with the victim. Consequently, the aforesaid crime came to be registered and the applicant was arrested.

4. Initially, the Special Court released the applicant on bail. Said Order was challenged before this Court by Respondent No.2 filing Criminal Application No.38 of 2023. After considering the facts and circumstances of the case; *vide* Order dated 11th July, 2024, this Court canceled the bail for the reasons that, the Respondent mother was not heard while deciding the bail application; that, the date of the arrest of the applicant was wrongly considered as 25.02.2022 instead of the correct date 20.07.2022; and, registration of NC complaint against mother of the applicant for allegedly threatening the family of the victim. Additionally, considering the seriousness of the matter, the trial Court was directed to frame the charge within six weeks from the date of the said Order i.e. 11th July, 2024.

5. Ms. Gowalani, learned counsel for the applicant submitted that, till date, the charge is not framed. Meanwhile, the applicant filed an application for bail (Exhibit–21). But, the Special Court rejected that application. Therefore, the present bail application is preferred on the ground of prolonged incarceration. She submits that the applicant will abide by all the conditions for bail as may be imposed by this Court. Therefore, she urged to grant bail.

6. Ms. Deshmukh, learned APP and Mr. Solanki, learned counsel for Respondent No.2, on the other hand, have submitted that the bail granted to the applicant was cancelled due to the threatening the family of the victim by the mother of the applicant. They submitted that, considering the facts of the case, on grant of the bail, the possibility of repeating such a threat by the applicant and his family, cannot be ruled out. It is pointed that the applicant

surrendered two months after cancellation of the bail. In this background, bail be refused.

7. I have considered these submissions. As held in **Vipin Kumar v. State of U.P.**, reported in **2025 SCC OnLine SC 3034**, such fresh bail application after cancellation of the bail granted earlier, is maintainable in law. In the case in hand, after cancellation of the bail, the charge is not framed. This indicate that the direction of this Court to frame the charge is not followed. Therefore, the two months delay in the surrender by the applicant is insignificant. Because, he has not taken any advantage of that delay. After cancellation of the bail, till the date, there is no fresh instance of threatening any member of the victim side. The *Roznamas* of the case are enclosed with the application. Ms. Deshmukh, learned APP and Mr. Solanki, learned counsel for the Respondent No.2 have candidly stated that, the applicant is not blamable for not framing the charge. After cancellation of the bail, the applicant has suffered incarceration for 2 years and 2 months because of the threat made by his mother. And total such incarceration is 4 years 2 months.

8. As per the prosecution case, the victim girl and the applicant, who were then aged 14 and half years and 21 years respectively, were in love relationship and consequently, they eloped and stayed together, during which the physical relationship were established.

9. In this peculiar background, the applicant deserves to be released on bail with stringent conditions. Hence, following Order:-

(i) Applicant – Mr. Praveen Yadav Unawane, shall be released on bail in connection with Special Sessions Case (POCSO) No.236 of 2022 arising out of an FIR bearing Cr.No.100 of 2022, registered with Ulhasnagar Police Station,

Thane City, on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Ulhasnagar Police Station, on the 1st day of a month, every three month, between 11:00 a.m. to 2:00 p.m., till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) The applicant shall not tamper with the prosecution evidence and shall not influence upon the prosecution witness to prevent them from deposing against him.

(v) The applicant shall not reside in Thane District except to mark his attendance at Ulhasnagar Police Station, as above. As informed by Ms. Gowalani, the applicant shall reside at his place "Chhatrapati Sambhajinagar", till conclusion of the trial.

(vi) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigation Officer and shall keep him updated, in case there is any change.

(vii) It is clarified that any observation made in the present Order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

10. Application stands disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)