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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.682 OF 2026

Mr. Vinay Sanjay Bhoir ...Applicant

V/s.

The State of Maharashtra & Anr. ...Respondents

Mr. P. R. Pandey a/w Ms. Shahajahan Vasaya, for the Applicant.
Ms. Veera Shinde, APP for the Respondent No.1-State.
API – Sachin Dhage, Mumbra Police Station, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 18th AUGUST, 2026

P.C. :-

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

2. The Applicant seeks his release on bail in connection with an FIR bearing CR No.1923 of 2024, registered with Mumbra Police Station, for the offence punishable under Sections 64(2) and 65(2) of the Bharatiya Nyaya Sanhita, 2023 ("BNS") and Sections 4, 8 and 12 of the Protection fo Children From Sexual Offences Act, 2012 ("POCSO Act"), on the report dated 19th September, 2024 filed by victim girl aged 14 years.

3. Mr. Pandey, learned Counsel for the Applicant submitted that there is delay of two months in filing the report. The date of the alleged rape is not mentioned in the report. There is inconsistency in the statement of the victim and her mother. These circumstances clearly indicate that the Applicant is falsely implicated in this case. The Applicant has five criminal antecedents, but, therein, he is on bail. Therefore, he urged to release the Applicant on bail. The details of the aforesaid crimes are as under :-

Sr. No.	CR Number	Sections
1	232/2019	394 and 34 of IPC
2	610/2019	324, 504, 506 and 34 of IPC
3	1729/2024	118(1) and 351(3) of BNS
4	RCC No.3322/2024	324, 323, 506, 427, 141, 143, 147 and 149 of IPC
5	1811/2024	64(1) and 64(2) of BNS

4. In contrast, Ms. Shinde, learned APP submitted that there is sufficient material against the Applicant of having committed the alleged offence against the minor victim. There is nothing to suggest that the Applicant has been falsely implicated in this case. The offence is serious. Therefore, and considering the antecedents of the Applicant, bail be refused. Ms. Shinde has produced the FIR of said C.R. No.1811/2024.

5. I have considered these submissions. The material on record indicates that sometime in July 2024, at about 7.30 p.m., when the victim and her mother were present at home, the Applicant caused the victim to go upstairs along with him on the pretext that his pigeon was sitting over the terrace. When the victim found that there was no pigeon, she questioned the Applicant. He replied that he had come to meet her on a false pretext that his pigeon was on the terrace. Further, the Applicant pulled the victim towards him, pulled of her lower garment and committed penetrative sexual assault. Consequently, the victim suffered pain and requested the Applicant to leave her, otherwise, she will shout. However, the Applicant tried to influence upon her telling that her disclosure will only defame her. Further, the Applicant again repeated the said act. Since the Applicant was stronger, her resistance was futile. Further, the Applicant showed her his genital and told her to apply her mouth. Therefore, the victim kicked him and

arranging her clothes, she went down. This assertion by the victim in her report is supported with the statement of one neighbouring girl aged 11 years, to whom the Applicant had threatened and told to guard at the staircase.

6. Thus, there is strong *prima facie* case against the Applicant of having committed the alleged offence which is obviously serious. No doubt, there is delay in the lodging the report, however, the delay is satisfactorily explained by the victim stating that as she was nervous due to the incident, she did not divulge the incident to her family, immediately. Therefore, mere delay in the report is not sufficient to doubt the prosecution case at this stage and exercise the discretion of bail in favour of the Applicant.

7. It is important to note that the Applicant has five criminal antecedents including an offence of Section 64(1) and Section 64(2) of BNS. No doubt, in that case the Applicant is on bail, but, the FIR of that case also mentions that said victim woman was forcibly raped by the Applicant.

8. In view of the above discussion, the Application is liable to be rejected and is rejected, accordingly.

9. The Trial Court is requested to expedite the case. If the trial does not progress substantially and the delay is not attributable to the applicant, liberty is reserved for the applicant to renew his prayer for bail after one year.

(SHYAM C. CHANDAK, J.)