HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1064 OF 2026

Ajay Rameshwar Singh .. Applicant

Versus

The State of Maharashtra and Anr. .. Respondents

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- Mr. Vipin Bidkar, Advocate for Applicant.
- Ms. Anuja S. Gotad, APP for Respondent No.1.
- Mr. Nikhil Maneshinde, Advocate for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2026

P.C.:

1. Heard Mr. Bidkar, learned Advocate for Applicant; Ms. Gotad, learned APP for Respondent No.1 and Mr. Maneshinde, learned Advocate for Respondent No.2.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.284 of 2022 registered with Vishrantwadi Police Station for offences punishable under Sections 354, 376, 376(2)(f) and (n) and 506 of the Indian Penal Code, 1860; Sections 4, 5(l)(n), 6, 8, 9(l)(n), 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. There are three Accused persons in the present crime. They are father, uncle and grand-father of the victim. The grand father and

uncle are absconding and have not being arrested or apprehended by the prosecution.

4. Date of the incident rather, the multiple incidents as narrated by the victim are between the years 2018 and 2022. First Information Report is filed in the year 2022 and Applicant has been arrested on the 17.11.2022. He has been in incarceration for 3 years 10 months 26 days until today. The charge-sheet has been filed in January-2023 and the investigation is complete.

5. *Prima facie* reading the statement of the First Informant-mother of the victim and the statement recorded by the victim shows that allegations are with regards to multiple episodes between the years 2018 and 2022, however save except merely alleging the commission of multiple episodes, there are absolutely no details whatsoever which are placed on record *qua* all the 3 accused persons. The charge has been framed but trial is yet to commence. Prosecution has not been able to arrest the other two accused persons.

6. Considering the clear dichotomy and inconsistency which arises from the statement of the First Informant itself that the alleged multiple episodes were committed by the Applicant by specifically asking the other sibling sister of the victim to run an errand and also when she used to leave the house and during her absence the alleged acts were committed, *prima facie*, this does not inspire the confidence

of the Court at all. Mere bald allegations are made which are *prima facie* unbelievable on the face of record. It is seen that from March - 2020 until 2022 when the date of the incident is included in the narration by the First Informant and the victim, there was the COVID – 19 pandemic lockdown period during which movements were restricted altogether. That apart, in all there are 4 siblings in the house including the victim about whose presence or absence is not even stated. Hence, in view of absence of any specific details, I am inclined to consider the case of the Applicant for grant of bail. The case propounded by the victim and her mother is generic and vague and their statements are clearly inconsistent. The Medical Report does not support the prosecution case either. The second reason which impels me to consider the case of Applicant for grant of bail is his long incarceration pending trial when the trial is yet to commence and the possibility of the trial commencing and / or for that matter concluding in the near foreseeable future being extremely bleak. Hence on the facet of long incarceration also, I am inclined to consider the case of the Applicant to bail on that ground. Though this Court is conscious and aware of the fact that the victim was minor at the time of commission of the alleged act and turned major subsequently, there is no *prima facie* incriminating material placed on record by the prosecution at the threshold to enable the Court to come to any probable conclusion with regard to the alleged offence which is lodged

against the Applicant. Hence, in that view of the matter, Applicant is released on bail subject to following conditions:-

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 284 of 2022;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one or two surety / sureties of the like amount;

(iii) Applicant shall report to the Investigating Officer at the concerned Police Station, once every month on the first Monday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed

of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable;

(viii) Applicant should not enter the jurisdiction of Pune City; and

(ix) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

7. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

8. Bail Application is allowed and disposed of in the above terms.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT
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