IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 121 OF 2026

XYZ … Applicant

V/s.

State of Maharashtra …. Respondent

Ms.Rekha Musale for the Applicant.

Mr. P. P. Jadhav, APP for the Respondent No.1-State.

Mr. Harshad Mandke a/w Mr. Vaibhav Deshmukh and Mr. Vijay Shinde for Respondent No.2.

CORAM : MADHAV J. JAMDAR, J.

DATED : 6 OCTOBER 2026

P. C. :-

1. Heard Ms. Musale, learned Counsel appearing for the Applicant, Mr. Jadhav, learned APP appearing for the Respondent-State and Mr.Mandke, learned counsel for the Respondent No.2.

2. By this application, the challenge is to the legality and validity of the order dated 19 December 2025 passed by the learned Special Judge (under POCSO Act), Khed-Rajgurunagar, District Pune in Criminal Bail Application No.681 of 2025 by which pre-arrest bail has been granted to Respondent No.2, in connection with Crime No.334 of 2025 registered with Manchar Police Station,

Pune for the offences punishable under Sections 354, 376(2) of the Indian Penal Code and Sections 4, 6, 8 and 12 of the POCSO Act.

3. Ms. Rekha Musale, learned counsel appearing for the Applicant submitted that subject offence is very serious where the Respondent No.2-Accused who is teacher of the Applicant sexually assaulted the Applicant when she was in 9th Standard i.e. when she was minor of 16 years. She submitted that the said sexual assault for the first time took place in December 2012 and, thereafter, continued for several years and last such assault was in the year 2019. She submitted that the impugned order dated 19 December 2025 granting anticipatory bail is required to quashed and set aside.

4. On the other hand, Mr. Jadhav, learned APP submitted that the charge-sheet is already filed and, therefore, custodial interrogation is not necessary.

5. Mr. Mandke, learned counsel appearing for Respondent No.2 submitted that the F.I.R. has been lodged after inordinate and unexplained delay of 13 years. It is submitted that the impugned order is passed on 19 December 2025 and there is nothing on

record to show that the Applicant has misused the liberty granted. It is submitted that Applicant is following all the conditions of bail including attending the concerned police station on first day of each month.

6. Perusal of the record shows that even as per the F.I.R., the sexual assault on the Applicant is from the year 2012 to 2019. The F.I.R. has been lodged on 29 November 2025. Thus from the first sexual assault, there is delay of 13 years and even after the last sexual assault which took place in 2019, there is delay of 6 years in lodging the F.I.R.

7. The learned Special Judge *inter alia* in the impugned order, has stated that there is unexplained delay in lodging the F.I.R. The victim has not told about the alleged incident even to her family members at any point. The recovery of mobile handset is possible without custody of the Respondent No.2.

8. In these circumstances, the learned Special Judge has granted anticipatory by imposing stringent conditions. One of the condition is that Respondent No.2 shall attend the Manchar police station on every Sunday between 11:00 a.m. to 1:00 p.m. till conclusion of investigation and in the event of filing charge-sheet,

Respondent No.2 shall attend the Manchar Police Station on first day of each month between 11:00 a.m. to 1:00 p.m. till conclusion of trial.

9. In the facts and circumstances, it cannot be said that the impugned order is a perverse order. Admittedly, the F.I.R. has been lodged after a period of 13 years. The stringent conditions are imposed on the Respondent No.2. Accordingly, no case is made for interference in the impugned order. The Application is dismissed.

10. Needless to observe that the observations in this order as also the impugned order of the Special Judge are of *prima facie* nature and the trial will be decided uninfluenced by observations in these orders.

[MADHAV J. JAMDAR, J.]