Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3462 OF 2026

Ravindra Shyamrao Bhise .. Applicant

Versus

State of Maharashtra and Anr. .. Respondents

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- Mr. Harshwardhan M. Pawar a/w. Mr. Padmasinh P. Patil, Advocates for Applicant.
- Ms. Sangeeta E. Phad, APP for Respondent – State.
- Mr. Akshay Patil, Advocate appointed through Legal Aid a/w Ms. Devika Madekar, Mr. Krushna Wankhede, Advocates for Respondent No.2.
- Complainant - Mother of victim present through Video Conferencing.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 12, 2026.

P.C.:

1. Heard Mr. Pawar, learned Advocate for Applicant; Ms. Phad, learned APP for Respondent – State and Mr. Patil, learned Advocate appointed through Legal Aid for Respondent No.2.

2. This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with FIR No.12 of 2026 dated 21.01.2026 registered with Mundhwa Police Station for the offences punishable under Sections 65(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**') and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012

(for short '**POCSO Act**').

3. Applicant before me is the sole accused and he is in incarceration Yerwada Central Prison since 21.01.2026 i.e. 8 months and 22 days. On 01.06.2026 Additional Sessions Judge, Pune rejected Applicant's bail in Special Case No. 285 of 2026. Hence, Applicant filed present bail application. Investigation is complete and charge-sheet is filed.

4. Age of the Applicant is 56 years and age of the victim is 6 years old. They both are related. Applicant is paternal grandfather of the victim. FIR is lodged by mother of the victim alleging that when the victim stayed overnight with her grandfather and grandmother in their house on 17.01.2026 in the intervening night, the Applicant molested the victim while grandmother was asleep on the bed in the same bedroom. It is alleged that on the following day the victim complained of hurt and pain in her private part pursuant to which she was administered treatment at a local clinic and three days later FIR was lodged.

5. Mr. Pawar, learned Advocate for Applicant would submit that Applicant's arrest is vitiated by non-compliance of Article 22(1) of the Constitution of India read with Section 47(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 because Investigating Agency communicated only general reasons for arrest instead of specific grounds of arrest. He

would submit that there was dispute between the Complainant and Applicant's family. He would contend that Applicant has been falsely implicated in the present crime owing to strained family relations. He would submit that there is no direct evidence about physical assault by Applicant. He would submit that medical reports without stating any specific injury or finding cannot be treated as conclusive corroboration of the allegation against Applicant. Hence, there is no *prima facie* material on record to corroborate the guilt of Applicant which entitles the Applicant for grant of bail.

6. Ms. Phad, learned APP for State has vehemently opposed the Bail Application. She has drawn my attention to the order dated 01.06.2026 passed by Addl. Sessions Judge, Pune while rejecting the bail application of the Applicant and would submit that there is no change in circumstances for maintaining the present Application for grant of bail. She has drawn my attention to the statement of the victim dated 20.01.2026 appended at page No.38 of the Application and her Section 183 statement to submit that the same completely corroborates with the prosecution case. She would submit that prosecution is desirous of examining 15 prosecution witnesses in trial and the same will be completed expeditiously which would eventually prove the guilt of Applicant as there is sufficient *prima facie* material on record to establish his complicity. She would submit that offence committed by Applicant is extremely serious and its gravity needs to be

taken into consideration by the Court. She would submit that enlarging the Applicant on bail may lead to he tampering with evidence as also influencing the witnesses as Applicant resides in the same vicinity as that of First Informant which would create a hurdle in the trial. Hence she has urged the Court to reject the Bail Application.

7. Mr. Patil, learned Advocate appointed through the Legal Aid to espouse the cause of Respondent No.2 would adopt and support the submissions of the learned APP and would additionally submit that in cases where accused is indicted under the provisions of POCSO Act, Courts should be cautious while granting bail to offenders considering the intent of the legislation behind enactment of the POCSO Act which is to provide protection to children like the prosecutrix herein. He would submit that Medico-legal Examination Report corroborates the prosecution case and that it is a matter of trial. He would submit that the offence committed by Applicant is extremely serious in nature and in the peculiar facts of the present case wherein the victim used to look upto Applicant as her grandfather, the gravity of offence is amplified owing to the trust reposed by First Informant's family as also by the victim in him and he having breached the trust. She would submit that delay in reporting matters arising out of POCSO Act is not fatal to the prosecution case as the victim being a 6 year old child was scared to disclose the said incident to anyone. He would therefore urge the Court to reject the Bail Application considering his above submission and

allow the trial to be completed.

8. I have heard the learned Advocates for both the parties and perused the record of the case. It is seen that prosecution has not recorded the witness statement of the grandmother who was allegedly sleeping in the same room. It is seen that statement of the first informant – mother of the victim has been recorded. It is the Applicant's case that due to a family feud between the parties namely Applicant and first informant the present case is a frame-up.

9. The prosecution's case relies upon narrations of the alleged incident by victim to her mother – first informant. Incident occurred in the intervening night of 17th and 18th January, 2026. Father of the victim along with her visited the house of the Applicant on 17.01.2026. First informant has stated that father of the victim returned back alone and allowed her to stay overnight with her grandparents and during the intervening night the alleged incident occurred. This statement of first informant is recorded on 20.01.2026 at the time of filing of FIR. However, it is seen that in the supplementary statement of the victim recorded on 02.02.2026 she has stated two additional things which are in the nature of factual improvement and correct fact are absent in the FIR. These two improvements are extremely crucial and material in nature. In the victim's statement recorded on 20.01.2026 she has stated that she overstayed with her grandparents in their house

because victim's father's sister and her small child were also visiting the grandparents house on that date and therefore her father allowed her to stay there overnight.

10. The above factual position is missing from the FIR filed by first informant – mother. Prosecution has not recorded the statement of the sister of the husband and grandmother who were in fact physically present in the subject house where the alleged incident took place. Recording statements of these witnesses was essential. Further prosecution has not recorded the statement of the husband of first informant either which is also somewhat baffling. Instead the prosecution has recorded the statement of first informant's Aunt ('मावशी') and Aunt's daughter who were never present in the subject house and neither they had any nexus with the incident in question or the place of incident. Recording of their statement would be purely hearsay and cannot be believed at the threshold. There is reference to 'Chandrakant Mama' by the Applicant made to the victim after commission of the alleged offfence. However, his statement is not recorded by the prosecution either.

11. The second crucial aspect which is *prima facie* seen is that on 20.01.2026 both first informant – mother and victim record their statements with regard to the alleged incident during the intervening night of 17th and 18th January, 2026. However, the victim records her

Section 183 statement on 02.02.2026 wherein there are two material contradictions observed on the face of record. Firstly, in the later statement victim states that she herself went to sleep with the Applicant whereas in the previous statement she claims that Applicant had called her to sleep besides him when she was sleeping next to her grandmother. The second contradiction which is seen is that the victim alleges that on the next morning the Applicant had once again committed the offensive physical misconduct with her, which is conspicuously absent in the FIR and the previous statement of the first informant.

12. From the above there exists a clear dichotomy and improvement in the Section 183 statement whereby a second incident is also alleged for the first time. This is a clearly material circumstance which carries doubt and suspicion attached to the subsequent narrative. The statement made in the FIR does not reveal about the victim being molested by Applicant again in the morning. It is also seen that victim has stated that she found herself lying next to her grandfather after she woke up in the morning whereas her earlier statement shows that she went to sleep with her grandmother as she was scared of Applicant.

13. It is seen that grandmother of the victim was sleeping in the same room on the bed accompanying the victim as per victim's own

statement where and when the alleged incident took place. It is seen that in that case recording the statement of the grandmother was crucial which has not been recorded. It is seen that victim was put in fear of 'Chandrakant Mama' so as not to disclose the alleged act fact to anyone. It is seen that statement of 'Chandrakant Mama' therefore ought to have been recorded which is not done.

14. It is *prima facie* seen that statements of first informant are inconsistent with the core facts of the case. Therefore, material improvements in the subsequent statements of first informant and the victim both, incline me to disbelieve the case of the prosecution at the threshold and persuades me to consider the case of Applicant for grant of bail. Needless to state that complicity of Applicant in the crime shall be proved at trial.

15. Hence, in view of my above *prima facie* observations, Applicant is granted bail subject to following conditions:-

(i) Applicant - Ravindra Shyamrao Bhise is directed to be immediately released from prison in connection with FIR No. 12 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at the Mundhwa Police Station, Pune, 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 with 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; and

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

16. 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 herein above in this order.

17. This Court appreciates the valuable assistance rendered by Mr. Patil, learned Advocate appointed through the Legal Aid to espouse the cause of Respondent No. 2. His fees be paid by the High Court Legal Aid Services Authority as per rules on production of a server copy of this order and other compliances in accordance with the decision of this Court in the case of ***Sanjyot Nitin Telharkar Vs. The State of Maharashtra & Anr.***[1] and the Schedule under Regulation 18(1) of the Maharashtra State Legal Services Authority Rules, 1998.

18. Bail Application No.3462 of 2026 is allowed and disposed.

[MILIND N. JADHAV, J.]

Ajay

HARSHADA HANUMANT SAWANT

Digitally signed by HARSHADA HANUMANT SAWANT
Date: 2026.10.12 12:25:09 +0530

1 Misc. Civil Application No.134 of 2024 – Decided on 25.09.2024.