Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3692 OF 2026

Rajkaran Ramsaran Saroj .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. Karan Kadam alongwith Ms. Riddhi Chavan, Advocates for Applicant.
- Ms. Sangeeta E. Phad, APP for Respondent – State.
- Ms. Priyanka Chavan alongwith Ms. Asmi Desai, Advocates for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2026

P.C.:

1. Heard Mr. Kadam, learned Advocate for Applicant, Ms. Phad, learned APP for Respondent – State and Ms. Chavan, learned Advocate for Respondent No.2.

2. This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R.No.139 of 2025 registered with Sinnar Police Station, Nashik for the offences punishable under Sections 64, 115(2), 351(2) and 333 of Bharatiya Nyaya Sanhita, 2023.

3. Applicant is a young person aged about 26 years old. The victim is an elderly woman living alone and aged about 89 years old. It is seen that victim is residing on the ground floor flat of the building, her 3rd son is living on the 1st floor of the same building whereas her

elder son lives two blocks away from the said building.

4. It is prosecution case that on 28.02.2025 between 3:00 – 4:00 p.m. when the victim came out from the toilet in the living room inside her flat, it is alleged that Applicant was present in the living room and assaulted her, he lifted her by force and forced himself on her and sexually assaulted her. The victim also alleged that he prevented her from opening her mouth , threatened her and thereafter left her house. According to the victim, assailant was a scrap collector and she stated that she had seen him twice on earlier occasions.

5. It is seen that victim's family owns the two-storey building comprising of 12 flats opposite Sinnar Bus Stand and adjoining market building with rented shops which are all in victim's name apart from a half acre open land which is used by vagrants. It is seen that victim lived alone in the ground floor flat of the building. It is further seen that victim was injured on her mouth and was administered treatment. It is seen that victim had taken a bath after the incident and before going for Medical Examination and treatment. It is intriguing as to how Applicant gained access inside the flat at 3:00 p.m in the afternoon in the Society building on the ground floor.

6. Witness statements *prima facie* show that the Applicant was a vagrant and migrant who used to do odd jobs in the vicinity only. It is seen that no theft has been committed in the victim's house. Evidence of prosecution is clearly based on circumstantial evidence.

7. Applicant is represented by Advocate Mr. Kadam appointed through legal-aid. Charge is of assault, rape and criminal intimidation.

8. I have heard Mr. Kadam, learned Advocate for Applicant, Ms. Phad, learned APP for Respondent – State and Ms. Chavan, learned appointed Advocate through Legal Aid for Respondent No.2 and with their able assistance perused the record of the case. Submissions made by learned Advocates ay the bar have received due consideration of the Court.

9. It is argued that FIR is registered against unknown person and Applicant is a complete stranger to the victim. Mr. Kadam has argued that Test Identification Parade was held almost one month after the alleged incident and in the absence of prior acquaintance the levy of such a charge is *prima facie* suspicious and doubtful. It is also argued that the CA report and DNA analysis of the blood sample and articles seized from the incident spot has been called for but it is not a part of the charge-sheet which *prima facie* would show Applicant's complicity. It is also seen that there is reference to CCTV footage however the same is relied upon a completely different context and it does not indict the Applicant in the present crime. Charge is framed on 21.08.2025. Further, Medical Examination Report appended at page No.63 is inconclusive as the examining doctor has reserved her opinion, pending availability of forensic reports. When it is seen that

FIR is lodged against unknown person then the statement of victim wherein she states that she had seen and she knew the Applicant 21 days prior to the Test Identification Parade vitiates the Test Identification Parade which is conducted. The dichotomy in the statement of the victim is evident on the face of record.

10. Applicant is incarcerated for more than 20 months, investigation is completed, the prosecution desires to examine 31 witnesses. Hence, considering the aforesaid prima facie observations and the nature of circumstantial evidence and completion of investigation and filing of charge-sheet, I am inclined to consider the case of Applicant for grant of bail.

11. Considering Applicant's age, if he is enlarged on bail the Court is hopeful that Applicant's family will undoubtedly do their duty to make every effort and attempt to reform and aid Applicant in leading a reformed life while on bail rather than keep him in prison and expose him to criminal outlook and life in prison. However on the flip side, if a chance is given to Applicant because of his young age by enlarging him on bail, there is a possibility that he will be remorseful and repent in retrospect. This is a chance required to be taken by the Court because punishment has to be believed to be inflicted for a reformative result rather than being punitive in nature.

12. Undoubtedly the trial will determine the complicity of

Applicant in the offence. While considering Bail Application in such facts, Court feels that reform and rehabilitation of the under trial accused needs to be considered especially when age of the accused person is young so that the accused person gets an opportunity / or is given an opportunity to reform, rehabilitate and earn his livelihood honorably from the perspective of social integration. This is a chance which the Court must take considering the young age of accused person. The age of Applicant is young. If the Applicant is incarcerated in prison further, there is every possibility that he might lose faith in the institution and society at large and may tread the path of criminality or would waste his life. Incarceration in prison incidentally exposes many youth to abuse as is shown statistically.

13. There are several harms of incarceration which are inflicted disproportionately on the youth. This is the reason why Court feels that any / every semblance of a chance towards a reformative approach in punishment should be adopted, especially in the case of young offenders. Hence every opportunity or to that extent risk should be constructively taken by the Court in the case of young offenders – accused before committing such accused to further custody and give such accused an opportunity to become a good citizen in the Society. These observations are only in the view of the young age of the Applicant before me and it is only a means to explore an alternative to incarceration so that the Applicant can become a good citizen.

14. Hence, in view of above *prima facie* observations and finding, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No. 139 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.10,000/- (Rs. Ten Thousand only) with one or two surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, Pune on the first Sunday of the month between 10:00 a.m. to 12:00 p.m. once every month from date of release from jail until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

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

(vi) Applicant shall not make any attempts to contact the

victim, First Informant or any witnesses by any physical or electronic means and shall not attempt to influence them or tamper with evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

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

15. This Court appreciates the able assistance rendered by Mr. Kadam, learned Advocate for Applicant appointed through Legal Aid and Ms. Chavan, learned Advocate appointed to represent and espouse the cause of the victim through the Legal Aid. The professional fees of both the learned Advocates are to 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 v. The State of Maharashtra & Anr.***[1]and the Schedule under Regulation 18(1) of the Maharashtra State Legal Services Authority Rules, 1998.

1 Judgment dated 25.09.2024 passed in Misc. Civil Application No. 134 of 2024

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 hereinabove in this order.

17. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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AJAY TRAMBAK UGALMUGALE

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