

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4391 OF 2024

Vinay Dilip Khate ...Applicant

Versus

The State Of Maharashtra And Anr. ...Respondents

Mr. Vishal M. Deshmukh *a/w Anil Wagh, for the Applicant.*

Ms. Gauri S. Rao, *APP for the State-Respondent.*

Ms. Aneesa Cheema, *for Respondent No.2.*

PSI – Tukaram V. Mengal, *Aarey Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 3rd FEBRUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 409 of 2022 dated 2nd September 2022 registered with the Aarey Police Station, Brihanmumbai for the offences punishable under Sections 376, 376(2)(j) and 506 of the Indian Penal Code, 1860 (“IPC”) and Sections 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (“POCSO Act”).

2. The case of the prosecution, in brief, is that the First Informant is the mother of the victim. The victim was 12 years 11 months at the time of the incident and the Applicant was

23 years. The Applicant and the victim were known to each other as he was the brother of one of the victim's aunt. They communicated with each other on mobile phone and chatted with each other. It is alleged that on 30th August 2022, while the victim's mother was out, the Applicant met her in her own house and established sexual relationship with her. She was scared and she cut her hand. When her mother inquired with her about the injuries, she revealed what had transpired between herself and the Applicant, to her mother. Accordingly, her mother went to the police station and made the complaint, pursuant to which the FIR was registered and the Applicant was arrested on 2nd September 2022.

3. Mr. Vishal M. Deshmukh, learned counsel for the Applicant, submits that the Applicant is a young boy of 23 years and has already suffered incarceration of 3 years 2 months. By order dated 13th October 2025, this Court had directed the Trial Court to record the victim's evidence within a period of one month from the date on which the order was

communicated to the Trial Court. Accordingly, the Trial Court has recorded the statement of the victim. Ms. Gauri Rao, learned APP, has tendered the deposition of the victim recorded by the Trial Court. I have gone through the same. I have also gone through the statement recorded under Section 164 of the Cr.P.C.

4. Considering that the Applicant has already suffered incarceration of almost four years and the statement of the victim is also recorded by the Trial Court, it is unlikely that the Applicant will intimidate the witnesses or tamper with the evidence, at this stage. In any case, Ms. Rao, on instructions, states that the prosecution intends to examine as many as 9 witnesses only. However, considering the number of cases pending before the Trial Court, especially under the POCSO Act, it is not desirable for the Applicant to continue being incarcerated till the conclusion of the trial.

5. In these circumstances, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

6. Application is allowed in the above terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)