

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5424 OF 2024

Rishabh Rakesh Sharma

...Applicant

Versus

The State of Maharashtra & Anr,

...Respondents

Mr. Ramesh Tripathi a/w. Ms. Shruti Tripathi, Mr. Man Mishra, Mr. Kushal Tripathi, Mr. Pankaj Thakur, Ms. Akshaya Shridhar i/b. M/s. Ramesh Tripathi & Associates (RTA) for the Applicant.

Ms. Priya Patil for the Respondent.

Mr. Hitendra J. Dedhia, APP for State.

CORAM : R.M. JOSHI, J.

DATE : 5th March 2026

P.C. :

1. Applicant seeks bail in connection with Crime No. I-270 of 2024 registered with Kharghar Police Station for offenses under Section 316(2), 64, 64 (2)(D), 65(1) & 351(2) of BNS, 2023 r/w Sections 4 and 12 of the Protection of Children from Sexual Offences Act 2012.

2. It is the case of the prosecution that the Applicant-Accused has established forcible penetrative sexual intercourse with informant/victim, who is minor. It is his further allegation that the Applicant had demanded Rs. 1,80,000/- from the victim against the Ring gifted by him to her. Applicant came to be arrested on 13th August 2024 and since then he is in jail.

3. Learned Counsel for the Applicant submits that the evidence on record *prima facie* does not inspire confidence.

4. He drew attention of the Court to the statement of the victim wherein according to him, while allegations are made not only against the Applicant but also against the Brother of the Applicant. It is his submission that the allegations with regard to the messages being sent are not supported by any other material on record. It is his submission that since on the basis of the statement of the victim is not reliable, is a fit case for grant of bail.

5. Learned Counsel for the Applicant submits that, Applicant has no criminal history and is not likely to flee.

6. Heard. Learned APP and learned Counsel for Respondent No. 2 oppose the Application. It is their contention that there is evidence to show that the victim was minor at the relevant time and in view of the provisions of POCSO Act, Application be rejected.

7. Admittedly, investigation into the crime is complete and charge sheet has been filed before the competent Court. At this stage, the Court is required to *prima facie* consider whether the statement of victim is consistent, reliable and is supported by other material evidence on record. Without recording any findings on the statement recorded by the victim, suffice it to say that *prima facie* this Court finds substance in

the contention of the Applicant about the inconsistencies being seen in the said statement. Pertinently though there is allegation made with regard to sending of message, no such evidence is found in the charge sheet. Thus, this is not the case wherein *prima facie* the statement of victim could be relied upon without corroborating material. Moreover, the possibility of lodging of report for the reason of Rs. 1,80,000/- being sought by Applicant against the Ring lost by informant is also not ruled out. Applicant has no criminal history and is not likely to flee from justice. Hence the following order;

ORDER

- (i) The Application stands allowed in connection with Crime No. I-270 of 2021 registered with Kharghar Police Station.
- (ii) The Applicant be enlarged on bail on furnishing PR Bond of Rs. 15,000/- with one surety in the like amount to the satisfaction of Trial Court.
- (iii) Applicant not to contact victim or any witness in any manner whatsoever.
- (iv) Any breach of this condition would result into cancellation of bail.

(R.M. JOSHI, J.)