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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.468 OF 2025

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Devendra Mahendra Singh

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Ashish Shukla with Mr.Prachish Shukla and Mr.Arusha Mishra for the Applicant.

Mrs.S.K. Gajare, APP for the State – Respondent.

Mrs.Meghna Gewalani for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 28TH APRIL, 2026.

P.C. :-

1. The Applicant seeks bail in connection with Crime No.794 of 2022 registered with Malwani Police Station for the offences punishable under Section 376 of the Indian Penal Code (IPC), Section 5 (l), 5 (n) and 8 of the Protection of Children from Sexual Offences Act (POCSO).

2. In short, it is the case of the prosecution that the victim, who is aged about 14 years old made allegations against the Applicant, who is her father that he used to inappropriately

touched her private part. There is also an allegation that he committed forcible sexual intercourse with her. Such incident of sexual intercourse was repeated. She claims that this was informed to her mother and brother however, they did not believe it. She thereafter disclosed this fact to her friend and the mother of the friend and thereafter through a social worker, the offence came to be registered against the Applicant.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the crime and the said can be substantiated from the statement recorded of the victim under Section 164 of Cr.P.C. It is argued that in the said statement, it is categorically stated before the Magistrate that no such incident as stated by her before the police has ever happened. The Applicant therefore, seeks bail.

4. learned APP and the learned counsel for Respondent No.2 opposed the application. It is their contention that the Applicant is the father of the victim and as such the possibility of she being pressurized while recording statement under Section 164 of Cr.P.C. is not ruled out. To support this submission, they

pointed out the evidence collected during the course of investigation indicating consistent statement being made by the victim before the police as well as before the Medical Officer. They drew attention of the Court to the statement of the friend and her mother, who were disclosed the incident by victim and they have maintained their statement before the Magistrate.

5. Even if this Court finds substance in the contention of learned counsel for Respondent No.2 and learned APP that the victim made statement before the police as well as to the Medical Officer making allegations against the Applicant, it is not open for this Court to discard the statement recorded before the Magistrate under Section 164 of Cr.P.C. At this stage, their contention cannot be accepted that the said statement was recorded under pressure. The reason therefore, is that the learned Magistrate has made enquiry with the victim before recording of the statement as to whether she is under pressure for giving the statement. It is only after satisfying that the victim is making the statement without any pressure, the same was recorded.

6. Insofar as victim's forced to her mother for maintaining their statement before the Magistrate is concerned, they have no personal knowledge of the incident and they reiterated what victim told them. Thus, even if their statement is consistent, the same cannot override statement of victim recorded before the Magistrate.

7. Suffice it to say that there is retraction of the allegations made by the victim earlier, in her statement under Section 164 of the Cr.P.C. In view of the said inconsistencies and considering the fact that the Applicant has no criminal history, and he is not likely to flee from justice.

8. At this stage, learned APP and learned Counsel for the Respondent No.2 apprehends that in case Applicant is granted bail, he is likely to pressurize the victim being his one daughter. Learned counsel for the Applicant, on instructions, makes statement that Applicant will not enter into the jurisdiction of Mumbai Suburb till conclusion of trial.

9. Hence the following order :

ORDER:

- i) Criminal Bail Application stands allowed in connection with Crime No.794 of 2022 registered with Malwani Police Station.
- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) As undertaken Applicant not to enter into the jurisdiction of Mumbai suburb till conclusion of trial except for attending the trial on the dates of hearing.
- iv) The Applicant not to contact victim directly or indirectly or in any manner whatsoever.
- v) The Applicant not to pressurize victim or any other witness.
- vi) The Applicant is directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- vii) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

10. In view of the above, Application stands allowed and disposed of accordingly.

11. It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)