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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.802 OF 2025

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Date: 2026.03.26
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Bablu Mahendra Singh Pal

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Kunal Aher with Gaurish Satpute and Mr.Dinesh Kadam for
the Applicant.

Mr.A.S. Gawai, APP for the State – Respondent.

Ms.Lisa Sabir Shaikh for Respondent No.2.

Ms.Charu Bhani M., WPI, Jogeshwari Police Station and
Mr.Bhosale, ASI are present in Court.

CORAM : R.M. JOSHI, J.

DATE : 25TH MARCH, 2026.

P.C. :-

1. This Application is for regular bail in connection with
Crime No.405 of 2024, registered with Jogeshwari Police Station
for the offence punishable under Sections 65(2) 79 of Bhartiya
Nyaya Sanhita, 2023 (BNS) along with Sections 6 and 10 of the
Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. It is the case of the prosecution that on 27th November, 2024, an incident occurred in which the victim girl aged about 9 years was sexually abused by the Applicant. Specific acts done by the Applicant are mentioned in the First Information Report. On the basis of the said information, the Applicant came to be arrested on 19th November, 2024. The statement of the victim was recorded under Section 183 of BNS before the Magistrate. The victim was sent for the medical examination., however, the mother of victim declined medical examination. On completion of investigation, chargesheet is filed.

3. Learned counsel for the Applicant has fairly drawn attention of the Court to the order dated 24th April, 2026 passed by the predecessor of this Court accepting the statement of the learned APP that the evidence of the victim would be recorded before next month and preferably within a period of two months from the date of the said order. It is submitted that till date, no such evidence is recorded. He therefore, seeks enlargement of the Applicant on bail on merit. It is his submission that the statement of the victim under Section 183 of

BNS recorded before the Magistrate indicates that the incident, as alleged has never occurred. In this backdrop, denial of the mother of the victim to subject the victim for medical examination indicates that there is no substance in the allegation against the Applicant. Since the Applicant is in jail from November, 2024 and as the trial is not likely to be concluded in short time, he seeks bail.

4. Learned APP and learned counsel for Respondent No.2 opposed the application by citing the seriousness of the crime. It is their contention that the statement recorded under Section 180 of BNS sufficiently show the involvement of the Applicant in this crime.

5. There cannot be any dispute with regard to the proposition of law that in case the statement of the victim is free from doubt, it can become sole ground for conviction of the accused. However, in case inconsistency occurred in the statement of the victim during the different stages of investigation, it would be necessary for the Court to consider the corroborative evidence while accepting the case of the

prosecution.

6. Here in this case, in the statement recorded under Section 183 of BNS before the Magistrate, the victim in clear term admits that the accused has not even touched her. This is completely contrary to the statement made in the FIR as well as the statement of the victim under Section 180 of BNS recorded by the police. In this backdrop, refusal of the victim to undergo medical examination creates serious doubt about the case of the prosecution. The Applicant has no criminal history. Since, prima-facie this Court finds substance in the contention of the learned counsel for the Applicant that this is the case of false implication and the Applicant is entitled for bail.

7. At this stage, learned APP and learned counsel for Respondent No.2 apprehends that the Applicant would pressurize the victim and the witnesses and prejudice will cause to the trial. In response to this submission, learned counsel for Applicant on instructions makes statement that the Applicant will not enter the jurisdiction of Jogeshwari Police Station till conclusion of trial. Statement of the Applicant is accepted as an

undertaking to this Court and it takes care of the apprehension of the victim and the prosecution. Hence the following order :

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.405 of 2024, registered with Jogeshwari Police Station on furnishing PR bond of Rs.15,000/- with one surety in the like amount for the satisfaction of the Trial Court.
- c). The Applicant not to contact the victim or any witness directly or indirectly and not to interfere into the evidence of the prosecution in any manner whatsoever.
- d). The Applicant not to enter the jurisdiction of Jogeshwari Police Station till conclusion of trial.
- e). It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)