

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.845 OF 2025

Digitally signed
by VASANT
ANANDRAO
IDHOL

Date: 2026.04.21
17:32:07 +0530

Akash Laxman Kharwa

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Satyajeet P. Dighe for the Applicant.

Ms.Geeta P. Mulekar, APP for Respondent No.1 – State.

Ms.Vilasini Balsubramanian for Respondent No.2.

Mr.Mahesh Sawant, PSI attached to Goregaon Police Station is present in Court.

CORAM : R.M. JOSHI, J.

DATE : 21ST APRIL, 2026.

P.C. :-

1. The Applicant seeks bail in connection with Crime No.1083 of 2021 registered with Goregaon Police Station for the offences punishable under Sections 363, 376(2) (n) (f) of Indian Penal Code and under Sections 6, 8 and 12 of Protection of Children from Sexual Offences Act 2012 (POCSO Act).

2. It is the case of the prosecution that the father of the

victim, a minor girl, lodged FIR about the victim going missing on 8th November, 2021. Later on it was found that the victim went along with the Applicant, who is her maternal uncle. It is the case of the Applicant that there is love affair between him and the victim. Similarly is the statement made by the victim to the Medical Officer when she was referred to the Medical Officer. Statement of the victim was also recorded under Section 164 of Cr.P.C. After conclusion of investigation, chargesheet is filed. Charge is framed against the Applicant on 30th January, 2025. Admittedly, till date not a single witness has been examined by the prosecution before the Trial Court.

3. Learned counsel for the Applicant submits that apart from the merit of the case, the Applicant is entitled for bail in view of the fact that he is arrested on 18th November, 2021 and till date, the trial has not commenced. It is his submission that the statement of the victim recorded at different stages of investigation is inconsistent.

4. Learned APP and learned counsel for Respondent No.2 opposed the application by pointing out that the Applicant is

aged 28 years, whereas the victim was aged about 14 years and 10 months at the relevant time. It is further submitted that the statement of the victim would be sufficient to convict the accused and here in this case the same is supported by the medical evidence. During the course of hearing, on query made by this Court to the learned APP with regard to the virgin of the victim in her statement before the Magistrate, this Court is informed that before the Magistrate, the victim made no complaint against any one.

5. *Prim-facie* perusal of the record indicates that there are inconsistencies in the statement of the victim with regard to forcible sexual intercourse by the Applicant. Apart from this, in her statement before the Magistrate under Section 164 of Cr.P.C., she does not attribute anything against the Applicant. In the light of these facts, when the Applicant is in jail from November, 2021 without trial, he is entitled for bail. The Applicant has no criminal history behind him. He is not likely to flee from justice.

6. Hence the following order :-

ORDER:

- a). The Application stands allowed.
 - b). The Applicant be enlarged on bail in connection with Crime No.1083 of 2021 registered with Goregaon Police Station on furnishing PR bond of Rs.15,000/- with one surety or two sureties in the like amount to the satisfaction of the Trial Court.
 - c). The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.
 - d). 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.
7. It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)