

Shubhada S Kadam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1351 of 2025

Vishal Bibhishan Kshirsagar

... Applicant/s

Versus

The State of Maharashtra and anr.

... Respondent/s

Mr. Niranjan Bhavake along with Mr. Sushant Tayade, Mr. Dinesh Jadhav, Mr. Tejas Kamble, Ms. Drishti Madhani, Mr. Anurag R. and Ms. Vaishnavi Choge i/b. Mr. Sushant Tayade, Advocate for the Applicant/s.

Mr. M.G.Patil, APP for Respondent No.1-State.

Ms. Kanchan Pawar, Advocate for Respondent No.2.

Ms. Neha Jitendra Upadhyay, Mother of Respondent No.2, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 672 of 2024 registered with Chaturshrungi Police Station, District Pune, for the offences punishable under Sections 376 and 376(2) (n) of the Indian Penal Code 1860 and Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is prosecution's case that the applicant sexually assaulted the first informant, who was a minor, on the promise of marriage.

3. It is contention of learned counsel for the applicant that the applicant has been falsely implicated in this case. The relationship between

SHUBHADA
SHANKAR
KADAM
Digitally
signed by
SHUBHADA
SHANKAR
KADAM
Date:
2026.01.13
18:19:42
+0530

Shubhada S Kadam

the applicant and victim was consensual. At the time of the incident, the victim was more than 16 years and 3 months old. The victim has filed another FIR against other persons alleging sexual assault. The applicant is behind bar for more than 1 year and 6 months. He has no antecedents. It may take time to conclude the trial, hence, requested to allow the application.

4. It is the contention of learned APP that the applicant sexually assaulted the first informant, who was minor, on the promise of marriage. If the applicant is released on bail, he may threaten the first informant and prosecution witnesses. Hence, requested to reject the application.

5. Learned counsel for respondent No.2, on instructions, submits that the mother of the first informant has no objection to allow the bail application.

6. I have heard all learned counsel, perused the charge-sheet and the documents produced on record. There is delay of more than five months in lodging the FIR. At the time of the incident, the victim was more than 16 years old. The applicant has no antecedents. He is behind bar for more than 1 year 6 months. There is no progress in trial. Considering these facts, I pass following order:

ORDER

(i) The applicant be enlarged on bail in Crime No. Crime No. 672

Shubhada S Kadam

of 2024 registered with Chaturshrungi Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)