

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1726 OF 2025

Sheshram Jawahalal Gautam	...Applicant
<i>Versus</i>	
The State Of Maharashtra	...Respondent

Ms. Tohid Shaikh i/b A. Patil for the Applicant.

Ms. Devyani Kulkarni for Respondent

Mr. S.S. Ghag APP for the State.

CORAM: R. M. JOSHI, J.

DATED: 02nd APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR. No. 450 of 2021 registered with Kalyan Taluka Police Station, Dist. Thane for the offences punishable under Sections 376(3), of the Indian Penal Code and Section 4, 6 and 8 of the POCSO Act.
2. The first informant who was in live-in-relationship with the applicant lodged report alleging that on 15.08.2021 she was informed daughter is aged about 7 years that she was sexually abused and applicant committed forcible intercourse with her. On the basis of the said information offence came to

be registered against the applicant, the victim girl was sent from medical examination. On completion of investigation chargesheet came to be filed.

3. Learned counsel for the applicant has drawn attention of the Court to the order dated 04.12.2025 by this Court indicating that the application for bail would be considered after examination of victim by the Trial Court. It is his submission that since then neither victim nor informant has been examined by the prosecution before Trial Court.

4. Learned APP on instructions from the Investigating Authority makes statement that victim as well as the informant are not traceable and hence were not examined.

5. On merits it is the contention of the counsel for the applicant that on 14.08.2021 the informant had lodged NC against the applicant which indicates that there were dispute between them. It is his submission owing to the said disputes, applicant is falsely implicated in this crime. According to him, trial will not be over as victim and informant are not traceable and therefore, trial cannot get over in reasonable time.

6. Learned APP and Learned counsel for the Respondent No.2 opposed the application by citing seriousness of the crime.

7. *Prima-facie*, perusal of the record indicates that there were disputes between informant and applicant, who were in live-in-relationship. The NC lodged on 15.08.2021 by informant clearly indicates the same. In this backdrop the medical report shows that the child was brought in casualty by mother i.e. the informant and step-father for sudden of accidental vaginal bleeding. No history was given of any sexual intercourse being committed with the child. In this backdrop when the victim and the informant are not traceable, applicant cannot be kept in jail. The applicant is in jail for a period of 4 years and 7 months. On merit as well as for the reason that victim and informant are not traceable, he deserves bail.

8. Applicant has no criminal history behind him, he is not likely to flee from justice.

9. Hence, following order:

ORDER

- i) Application stands allowed.
 - ii) In connection with CR No. 450 of 2021 registered with Kalyan Taluka Police Station, Dist. Thane be released on bail furnishing bail PR Bond of Rs. 15,000/- with one surety in the like amount to the satisfaction of the Trial Court.
 - iii) Applicant not to contact with the victim or informant in any manner whatsoever.
 - iv) Applicant to attain all dates of hearing before the Trial Court, unless exempted by passing specific order.
- 10.** The observations made in this order are *prima facie* in nature and will not bind parties or Trial Court during trial.

(R. M. JOSHI, J.)