

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2032 OF 2025**

Aniket Rambachan Prajapati ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

Mr. Ashley Cusher, *for the Applicant.*

Mr. Mayur S. Sonavane, *APP for the State-Respondent No.1.*

Ms. Aneesa Cheema, *for the Respondent No.2.*

Mr. Milind Tayade, *PSI attached to Tulinj Police Station, MBVV,
present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 05th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with the FIR No.342 of 2023 dated 3rd May 2023 registered with the Tulinj Police Station, Mira Bhayander Vasai Virar Police, Thane for the offence punishable under Section 354 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 354, 8, 9(l), 9(m) and 10 of the Protection of Children From Sexual Offences Act, 2012 ('POCSO' for short).

2. The Applicant was 18 years of age and the Victim was 6 years of age, at the time of alleged incident. The Applicant is alleged to have sexually assaulted the Victim. The Applicant was a neighbour of the Victim's family. He used to call the Victim to play at his house and sexually assault her. The statement of the Victim recorded under Section 164 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') is consistent with her story in the FIR. Even the statement of the mother of the Victim recorded under Section 164 of the Cr.P.C. is consistent with her statement in the FIR. The medical report of the Victim also indicates that the possibility of sexual assault cannot be ruled out. The alleged incident took place on 30th October 2022 and the FIR was registered on 3rd May 2023. The Applicant was arrested on 4th May 2023.

3. The Applicant made an application seeking bail before the District Judge-2 and Additional Sessions Judge, Vasai. However, by order dated 19th October 2023, his bail application was rejected. Thereafter, the Applicant preferred

Criminal Bail Application No.3953 of 2023 before this Court. By order dated 2nd April 2024, the Applicant was permitted to withdraw the Bail Application as the Court was not inclined to grant any relief to the Applicant. However, liberty was reserved for the Applicant to file a fresh bail application after the period of one year from the date of that order, if there is no substantial progress in the trial. This Court also requested the Trial Court to expedite the trial.

4. One year has elapsed from the date of order, i.e., 2nd April 2024 and unfortunately, there is no substantial progress in the trial inasmuch as even the charges are not framed as yet.

5. Mr. Ashley Cusher, learned counsel appearing for the Applicant, submits that in any case, the FIR was filed after a period of 6 months from the date of alleged incident and there is much delay in registering the FIR. He submits that the Applicant is in custody since 2023 and he is appearing for the NEET examination and has a career in future. He thus,

submits that since there is no substantial progress in the trial, the Applicant be enlarged on bail.

6. Ms. Aneesa Cheema, learned counsel appointed to represent the Respondent No.2, has brought to my attention the medical report, which specifically indicates that history of sexual assault cannot be ruled out. Moreover, she also stresses on the statements of the Victim as well as her mother, which record that this is not one stray incident, but the sexual assault happened on multiple occasions.

7. Ms. Megha Bajoria, learned APP representing the State in the matter, supports the arguments made by Ms. Cheema and prays that the Bail Application be rejected.

8. I have heard learned counsel appearing for the parties and perused the record with their assistance.

9. Admittedly, statements of the Victim and her mother recorded under Section 164 of the Cr.P.C. are consistent with

their story narrated in the FIR. However, considering that liberty was granted to the Applicant file a fresh Bail Application, if there is no substantial progress in the trial after one year from the date of that order, impels me to consider enlarging the Applicant on bail. The Applicant himself was merely 18 years of age at the time of incident.

10. In this view of the matter, I am of the opinion that the Applicant can be enlarged on bail subject to stringent conditions. Accordingly, it is ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall not enter the jurisdiction of Tulinj Police Station during the pendency of the trial save and except for attending the Police Station concerned;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) The Applicant shall also attend the Police Station concerned once in a month on first Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

11. Application is allowed in the above terms and is accordingly disposed of.

12. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

SHAMBHAVI
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