

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2152 OF 2025

Vinodkumar Shyamsundar Yadav	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Ms. Anjali Singh, for the Applicant.

Ms. S. D. Shinde, APP for the Respondent-State.

Mr. Bhagwan Pawar, PSI attached to Kurar Police Station, Mumbai, present.

CORAM: R. M. JOSHI, J.
DATED: 9th APRIL, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No. 0197 of 2024, dated 29th February 2024, registered with Kurar Village Police Station, Brihanmumbai City for the offences punishable under Sections 376(2)(n), 354, 509, 504, 506, 324, 354-A of the Indian Penal Code, 1860 ('IPC') and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act')

2. The First Informant is the mother of the Victim girls, aged about 10 years, 4 ½ years and 3 years. It is alleged that the Applicant, who is her husband, is addicted to liquor and used to quarrel with them. The allegation is made against the Applicant with regard to committing indecent acts with the elder daughter as

well as beating her as well as her daughters. In connection with this crime, the Applicant came to be arrested. On conclusion of investigation, the charge-sheet is filed.

3. Learned counsel for the Applicant submits that this is a case of false implication of the Applicant as in the statements recorded of the Victim girl as well as the First Informant, they do not support the allegations made in the First Information Report. It is further submitted that having regard to the nature of allegations, there ought to have been medical evidence in order to support the same, which is absent herein in this case. It is submitted that the Applicant is in jail since 29th February 2024. Considering the fact that the charge has been framed in October, 2025 and since then not a single witness has been examined, there is no likelihood of trial getting over in reasonable time.

4. The learned APP opposes the Application by pointing out the First Information Report as well as the statement of the Victim girl recorded under Section 161 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') She further submits that the allegation is against the father and having regard to the serious nature of crime, this is not a case for grant of bail.

5. No doubt, statement of the Victim of sexual assault if found to be reliable, can become sole ground for conviction of the Accused. However, such a statement must be consistent at all stages of investigation. As pointed out by the learned counsel for the Applicant, that in the statements recorded under Section 161 of the Cr.P.C., neither the Informant nor the Victim girl supports their statements made to the Police. The said inconsistencies

cannot be ignored. It is also pertinent to note that there is absolutely no medical evidence in order to support the allegations made in the First Information Report. Apart from this, perusal of the charge-sheet indicates that statements of the material witnesses, in whose presence some of the incidents are alleged to have occurred, are not recorded.

6. The sum and substance of the above discussion is that this could be a case of lodging of false report by the wife against her husband (Applicant) in a fit of anger. The Applicant has no criminal history and is not likely to flee from justice. Hence, the following order:-

ORDER

(i) The Bail Application stands allowed in connection with Crime No. 0197 of 2024, dated 29th February 2024, registered with Kurar Village Police Station, Brihanmumbai City;

(ii) The Applicant be released on bail on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever;

(iv) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

7. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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