

N.S.Kamble

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2433 OF 2025

Rakesh Ramesh Khatri

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

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Mr.Someshwar K. Pawale a/w Mr.Harsh Kashyap, Mr.Aniket Borude, for the Applicant.

Mr.M.G. Patil, APP for Respondent-State.

Mr.Vikram Phatate, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th FEBRUARY 2026

P.C. :

1. By this Application, the Applicant is seeking regular bail in Crime No.865 of 2024 registered with Hinjawadi Police Station, Pune, for the offences punishable under Sections 376(2)(n) and 376(3) of the Indian Penal Code, 1860 ('IPC' for short) and Sections 4,5(l), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

2. It is prosecution's case that the Applicant sexually assaulted the First Informant who was a minor and impregnated her.

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3. It is contention of learned counsel for the Applicant that there was love affair between the Applicant and First Informant, who was more than 15 years old at the time of the incident. The Applicant is behind bars for more than one year and seven months. The Applicant has no antecedents. There is no progress in trial, and requested to allow the Application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the Applicant sexually assaulted the First Informant on the pretext of false promise of marriage and impregnated her. The Applicant was aware about the age of the victim. The Applicant is resident of Nepal. The DNA report of the fetus matches with the Applicant. If the Applicant released on bail, he may abscond or threaten First Informant and prosecution witnesses, and requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

6. At the time of the incident, victim was more than fifteen years and eight months old. There is delay in lodging FIR. The FIR was lodged, when the Applicant refused to marry with the First

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Informant.

7. Considering these facts as well as the Applicant is behind bars more than one year and seven months. There is no progress in trial, and I pass following order.

ORDER

- (i) The Applicant-Rakesh Ramesh Khatri, be released on bail in Crime No.865 of 2024 registered with Hinjawadi Police Station, Pune, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Applicant shall attend the concerned Police Station as and when required.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)