

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

CRIMINAL BAIL APPLICATION NO.2802 OF 2025

Ganesh Reddi @ Ganya Suresh Reddi

...Applicant

V/s.

The State of Maharashtra

...Respondent

Ms. Keral Mehta (appointed Advocate), for the Applicant.

Mr. Vinod Chate, APP for the Respondent-State.

PSI- M.T. More, Pydhonie Police Station, Mumbai, present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 11th FEBRUARY, 2026

P.C. :-

. Record indicates that, none appeared for the Applicant on 1st August, 2025 and 21st November, 2025, therefore, Ms. Keral Mehta is appointed as Legal Aid for the Applicant.

2) Applicant, accused in Session Case No.90 of 2024 arising out of C.R. No.316 of 2023 registered with Pydhonie Police Station, Mumbai for offences punishable under Sections 354, 452, 376 and 506(2) of Indian Penal Code, 1860 and Sections 37(1)(2), 135 and 142 of Maharashtra Police Act, 1951, seeking his release on bail pending trial in the said case.

3) Heard Ms. Mehta, learned appointed Counsel for the Applicant and Mr. Chate, learned APP for the Respondent-State. Perused the record.

4) The prosecution case is that, on 09.11.2023 at about 3:00 hours, while the informant was sleeping in her room, the Applicant entered her room, threatened to kill her at the point of knife and he then committed

rape on her, *i.e.*, by inserting finger in her private part. On completion of investigating, charge-sheet was submitted. The trial Court declined to grant bail to Applicant by its Order dated 05.08.2024. Hence, this Application.

5) Ms. Mehta, the learned counsel for the Applicant submitted that, though, the victim had sufficient opportunity to disclose the act of rape, she failed to state that fact either in her report filed on 09.11.2023 or in her supplementary statement recorded on 14.11.2023. It was only in her statement before the Magistrate, for the first time, the victim alleged the offence of rape against the Applicant. As such, whether the Applicant has committed the rape or not is a question of trial. The Applicant is permanent resident of Mumbai and is not likely to abscond. Therefore, bail may be granted.

6) Mr. Chate, the learned APP, on the other hand, opposed the Application. He contended that, since the victim was threatened at the point of knife, she did not disclose about the rape at the first opportunity. However, in her statement recorded before the learned Magistrate, the victim has categorically stated that, the Applicant has committed the rape as stated above. Said disclosure was the result of the courage given by the Magistrate. Therefore, there is a *prima facie* case of the serious offence and bail may be refused.

7) I have considered these submissions and perused the record. As alleged, the incident occurred in the night, intervening on 08.11.2023 and 09.11.2023. Thereafter, the victim filed the report very promptly but restricted the narration to the offence of outraging her modesty, alleging that, the Applicant had removed his hand on her body. Thereafter, her supplementary statement was recorded on 14.11.2023 but again limited the allegations to the act of outraging her modesty. The statement of the witness who had first arrived at the spot immediately after hearing the

shout of the victim also refers only about the act of outraging her modesty. There is no mention in the report as well as in the said statements about use of knife. It was only for the first time before the Magistrate on 30.11.2023 the victim has alleged the act of rape. In this background, whether the Applicant has committed the offence of rape or not is a question of trial. The Applicant is in jail since his arrest. Therefore, the Applicant can be released on bail. However, the learned APP submitted that, previously, nine criminal cases were registered against the Applicant including one under NDPS Act. But, it appears that, in those cases the Applicant was on bail. The other offences are under Sections 506, 323 and 324 of IPC. Therefore, there is no hurdle to released the Applicant on bail. Thus, I am inclined to allow the Application.

8) Hence, following Order is passed.

:: ORDER ::

- (a) Application is allowed.
- (b) The Applicant - Ganesh Reddi @ Ganya Suresh Reddi is directed to be released on bail in Session Case No.90 of 2024 arising out of C.R. No.316 of 2023 registered with Pydhonie Police Station, Mumbai for offences punishable under Sections 354, 452, 376 and 506(2) of Indian Penal Code, 1860 and Sections 37(1)(2), 135 and 142 of the Maharashtra Police Act, 1951, on his executing P.R. Bond in the sum of Rs.50,000/- with two or more sureties in the like amount.
- (c) The Applicant shall report to Pydhonie Police Station, Mumbai, on 1st and 16th date of each calendar month, between 10:00 a.m. to 01:00 p.m., till conclusion of the trial.
- (d) The Applicant shall attend before the trial Court on each and every date, unless exempted by the trial Court and cooperate for expeditious disposal of the case.
- (e) The Applicant shall not tamper with the prosecution evidence and influence upon its witnesses in any manner.

- (f) The Applicant, upon being released on bail, shall place on record of the trial Court the details of his contact number and residential address with updates in case of any change.
- (g) The Applicant shall reside outside the jurisdiction of Pydhonie Police Station, Mumbai, till the trial in this crime is over except the date on which his attendance is required in the aforesaid Sessions case.

9) At this stage, the learned Counsel for the Applicant Ms. Mehta prayed to grant four weeks time to furnish surety and till then, to release the Applicant on his executing a P.R. Bond in the sum of Rs.50,000/- and on depositing a sum of Rs.50,000/- in lieu of executing the surety bond.

Considering the facts of the case, said request is accepted. Hence, the Applicant be released on bail for a period of four weeks on his executing a P.R. Bond in the sum of Rs.50,000/- and depositing a sum of Rs.50,000/- in lieu of executing surety bond.

At the end of said period of four weeks, the Applicant shall furnish the surety. On furnishing such surety, the amount totaling to Rs.50,000/- deposited by the Applicant shall be returned.

10) It is made clear that, the observations made in this Order are *prima facie* in nature and shall not be construed as an expression of opinion on merits. The trial Court to decide the said case on its own merits.

11) With the above observations, the Application is disposed of.

12) This Order be communicated to the High Court Legal Services Committee for the needful.

(SHYAM C. CHANDAK, J.)