

N.S.Kamble

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

CRIMINAL BAIL APPLICATION NO. 2920 OF 2025

Rushabh @ Saurabh Santosh Pathak

...Applicant

VERSUS

The State Of Maharashtra And Anr

...Respondents

Mr.Ankush N. Dhokale, for the Applicant.

Mr.Amit Munde, APP for Respondent-State.

Ms.Shaba Khan, for Respondent No.2.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 28th APRIL 2026P.C. :

1. By this Application, the Applicant is seeking regular bail in Crime No.45 of 2022 registered with Kurar Police Station, Mumbai, for the offences punishable under Section 377 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 4,6,8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

2. It is prosecution's case that on 24th January 2022, Applicant committed unnatural sex with minor son of the First Informant.

3. It is contention of learned counsel for the Applicant that the Applicant is behind bars for more than four years and three months. There is no progress in trial. The medical report does not support the prosecution's case, and requested to allow the Application.

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4. It is contention of learned APP and learned counsel for the Respondent No.2 that the Applicant committed unnatural sex with minor son of the First Informant. The victim in his statement specifically stated about the act committed by the Applicant. If the Applicant released on bail, he may abscond or threaten Victim, First Informant and prosecution witnesses, and requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet.

6. The Applicant is behind bars for more than four years and three months. There is no progress in trial. The medical report does not show any injury on the private part of the victim. To prove offence against Applicant, evidence is required. The Applicant has no antecedents. It may take time to conclude the trial, and I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.45 of 2022 registered with Kurar Police Station, Mumbai, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall not enter in the jurisdiction of Kurar Police station till recording of evidence of Victim and First Informant, except attending Court dates.

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- (iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (v) The Applicant shall attend the concerned Police Station as and when required.
- (vi) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)