

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2977 OF 2025

Mr. Vijay Janardhan Konde ...Applicant

Versus

The State of Maharashtra Through Shivajinagar ...Respondents
Police Station, Ambernath And Anr.

Mr. Tanvir Shaikh, for the Applicant.
Ms. R. V. Newton, APP, for the Respondent - State.
Mr. Abdul Rahim Bukhari, for the Respondent No.2.
Mr. N. B. Gaikwad, PSI, Shivajinagar Police Station, Ambernath,
Dist. Thane, is present.

CORAM: R. M. JOSHI, J.

DATED: 10th MARCH, 2026

PC:-

1. This application is for enlargement of Applicant on bail in connection with Crime No. 321/2025 registered with the Shivajinagar Police Station, Ambernath, for the offences punishable under Sections 4, 6 and 10 of Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

2. First Information Report is lodged by the mother of the victim, who is 11 years old boy. He informs to his mother about the occurrence of the incident on 21st April, 2025 stating that the applicant has committed anal intercourse with him and also threatened him not to disclose the incident to any one. The said information was lodged on 21.04.2025. Offence came

to be registered against the Applicant. Victim was sent for medical examination. His statement was recorded under Section 183 of BNSS, 2023. On completion of investigation, chargesheet is filed.

3. Learned Counsel for the Applicant submits that the statement of victim is not consistent and it does not get support from the medical evidence. In this regard reference is made to the history given to the medical officer claiming that, on seven occasions such incident has occurred. Whereas the First information Report indicates the occurrence of the incident once. It is his submission that there are material inconsistencies in the statements of the victim. According to him in such circumstances the Court is required to consider the corroboration by other evidence on record which is absent in this case. Applicant claims to have no criminal history against him. As the trial is not likely to get over within the reasonable period of time, he seeks bail.

4. Learned APP and learned Counsel for the Respondent No.2 opposed the application. It is their contention that sole statement of the victim would be sufficient to prove the guilt of the applicant/accused. It is their contention that there is nothing brought on record by the applicant in order to show his false implication in the crime. It is further argued that the statement recorded under Section 183 of BNSS also supports First Information Report. Learned Counsel for the Respondent No.2 has apprehension of pressurizing the witnesses as the Applicant

is neighbour of the informant. In response of this submission learned Counsel for the applicant on instructions, make statement that applicant will not enter to the jurisdiction of Shivajinagar Police Station, Ambernath, Dist. Thane, till trial gets over.

5. There can not be a dispute about the fact that in case of a sexual assault, the statement of the victim would be given due weightage. However at the same time if material inconsistencies are found in his/her statements at different point of time, the same cannot be simply ignored. *Prima facie* this Court finds substance in the contention of the Counsel for the Applicant that there are material inconsistencies in the statements of the victim recorded at the different stages of investigation.

6. In this backdrop, *prima facie* there is no medical evidence to indicate occurrence of such incident. Apparently even tentative opinion has not been expressed by the medical officer with regard to the possibility of sexual assault. Having regard to these facts, when the trial is not likely to get over in a short period of time, this is a fit case for enlargement of the Applicant on bail. He has no criminal history. He has not likely to flee from justice. Voluntary statement made by the Applicant with regard to the staying away from the jurisdiction of the Shivajinagar Police Station, Ambernath, Dist. Thane, will take care of the apprehension of the prosecution and Respondent No.2 victim. Hence, order.

ORDER

- i) Criminal Bail Application stands allowed in connection with the Crime No. 321/2025 registered with the Shivajinagar Police Station, Ambernath for the offences punishable under Sections 4, 6 and 10 of Protection of Children from Sexual Offences Act, 2012.
- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount till the satisfaction of the Trial Court.
- iii) The Applicant shall not enter the jurisdiction of the Shivajinagar Police Station, Ambernath, Dist. Thane, till conclusion of trial.
- iv) The appellant shall not contact victim or any witness in any manner whatsoever.
- v) Applicant to attend all dates of hearing before the Trail Court unless his presence is exempted by passing specific order.
- vi) Any breach of the above condition shall result forthwith in cancellation of bail.

7. The application is allowed in aforesaid terms and is accordingly disposed of.

8. All concerned to act upon the authenticated copy of this order.

(R. M. JOSHI, J.)

VDMokal/-