

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3092 OF 2025

Pavita Santosh Kamble ...Applicant
Versus
The State of Maharashtra and Anr. ...Respondent

Mr. Onkar Gurav for the Applicant

Mr. R.M. Pethe, APP for the Respondent-State.

Ms. Deepali Bagla for the Respondent No.2.

Mr. Yuvraj Khade, PI. Nirmalnagar Police Station, Mumbai

CORAM: R. M. JOSHI, J.

DATED: 06th May, 2026

PC:-

1. Applicant seeks bail in connection with C.R. No. 43 of 2025 registered with Nirmalnagar Police Station, for the Offences punishable under Sections 65(1) and 74 of the Indian Penal Code, 2023 (for short 'I.P.C.') and Sections 4, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012, (for short 'POCSO Act').
2. The first informant, a minor girl, daughter of the

applicant lodged report to the concerned police station intimating that co-accused who is in relationship with her mother i.e. applicant herein had subjected her to forcible sexual intercourse. She claims that when this was informed to the mother, instead of supporting her, she did not do anything and in fact threaten the applicant not to disclose to any other person. On the basis of this information, offence came to be registered against the applicant and co-accused. On conclusion of the investigation, chargesheet has been filed.

3. Learned counsel for the applicant submits that statements of the victim are not consistent at all stages of investigation and hence, the same cannot become sole basis for the conviction of the applicant unless corroborated. It is his submission that there is no medical evidence indicating commission of any sexual with the victim. He claims that the applicant is a lady and she has no criminal history and since she is in jail of about 1 year and 4 months, she be enlarged on bail.

4. Learned APP and Learned counsel for the Respondent

No.2 opposed the application. It is their contention that not only in the First Information Report but also there are specific allegation against the applicant and co-accused but the same are duly corroborated with the statement recorded of the victim under Section 183 of the B.N.S.S. before the Magistrate. It is their further contention that in such cases sole testimony of the victim would be sufficient to convict the accused. Learned APP informed that charge has been framed and trial would get over within short period of time.

5. There cannot be any dispute made with regards to the proposition sought to be canvassed on behalf of the prosecution that testimony of the victim can become sole basis for conviction of accused without insisting for corroboration, provided the same is reliable and consistent at all stages of the investigation and trial. Prima-facie, this Court finds substance in the contention of the applicant that there are material inconsistencies in the statement recorded before the Police, Magistrate and history was given to the Medical Officer. This coupled with the fact that there is no medical

evidence indicating the sexual assault being caused on the victim, the applicant at this stage may get benefit of the same. More particularly, in view of the fact that the only allegation against the applicant is that she did not support her own daughter. The Applicant has no criminal history and she is not likely to flee from justice, she is in jail over a period of a year. Though charged has been framed, considering the pendency before the Trial Court, the possibility of conclusion of the trial in short period of time is remote. More particularly, since the applicant is a lady, she is entitled for bail.

6. Hence, the following order:-

- i) The application stands allowed.
- ii) Applicant is enlarged on bail in connection with C.R. No. 43 of 2025 registered with Nirmalnagar Police Station, for enlarged on bail on furnishing PR Bond of Rs. 15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.
- iii) The applicant shall not in any manner contact the informant, during the pendency of the trial.

iv) Applicant to attend each hearing of the trial court on all scheduled dates except exempted by the court.

v) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant or any other persons concerned with the case.

vi) Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

7. It is made clear that the observations made in this order are limited to the question of grant of bail to the applicant and that the Trial Court shall proceed further in the matter without being influenced by the observations made herein-above.

8. In view of the above, application stands disposed of.

R. M. JOSHI, J.