

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3156 OF 2025**

Deena Ranganathan Harijan	...Applicant
<i>Versus</i>	
State of Maharashtra and Anr.	...Respondents

Ms. Roseline Nadar, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the Respondent - State.*
Ms. Rachita A. Padwal, *for Respondent No.2 – victim.*
API – Savita Thombare, Malad Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 05TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.**0202** of 2025 dated 22nd April, 2025, registered with the Malad Police Station, District: Brihanmumbai City, for the offences punishable under Sections 118(1), 115(2), 79, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'). This is a second FIR made by the victim against the present Applicant.

2. The case of the prosecution, in brief, is that on an earlier occasion in January, 2024, the victim girl met the accused while she was on her way to the temple. He took her to his house and sexually exploited her. He took photographs of her in semi-naked condition and posted them on social media. The victim informed her parents and her brother and consequently the FIR came to be registered. The Applicant was arrested and was released on bail by order dated 2nd March, 2024, passed by the Sessions Court at Dindoshi (Borivali Division), Goregaon, Mumbai. Thereafter, it is the case of the prosecution that the Applicant met the victim again on 19th April, 2025, and again tried to grab her hand. Her brother witnessed the said incident and quarrel took place between the victim's brother and the Applicant. Consequently, the present FIR came to be registered and the Applicant was again arrested in the present CR on 19th April, 2025.

3. The Applicant made an application seeking bail before the Special Judge under POCSO Act, Sessions Court,

Borivali Division, Dindoshi, Goregaon, Mumbai, however, by order dated 17th June, 2025, the said application was rejected.

4. Ms. Roseline Nadar, learned counsel for the Applicant, submits that this is the case of false implication. He has never violated the conditions of his previous bail order dated 2nd March, 2024, and was in the locality to meet his grandmother, who resides there. Upon seeing the Applicant, the victim and her brother have concocted the present case against the Applicant only with a view to continue his incarceration. She also pointed to the medical report, wherein the victim has refused to undergo medical examination. The medical report also records that according to the history given by the victim the Applicant and the victim never had any sexual relations. She has also stated to the medical doctor that she was never forced in any way physically or mentally by the accused and has denied any sexual violence against her. Ms. Nadar also submits that there was a consensual relationship between the victim and the Applicant and it was

only after her brother and family members found about the same that the FIR was registered. She thus, prays that the Applicant be enlarged on bail.

5. Ms. Megha Bajoria, learned APP representing the State, resists the application. She submits that the Applicant has violated the condition of bail imposed on him by order dated 2nd March, 2024, inasmuch as he was directed not to contact the victim but he has in fact grabbed her hand and followed her. She also submits that since the offence was committed while the Applicant was on bail, a strict view be taken of his conduct.

6. Ms. Rachita Padwal, learned appointed Advocate for Respondent No.2 / victim, also supports the case of the prosecution. She also submits that the Applicant had continued to stalk the victim and it was not a stray incident of 19th April, 2025, that he grabbed her hand. She submits that thus there is a possibility that the Applicant will intimidate the

witnesses and the victim. Thus, she prays that the Application be rejected.

7. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

8. Admittedly, the Applicant is on bail in the substantive offence in CR No.161/2024 registered against him by the same girl who is the victim in the present CR as well. A condition was imposed on him by the said bail order that he will not contact the victim. However, as per the present FIR, the Applicant has contacted her and in fact tried to stop her and hold her hand.

9. Considering the statement given by the victim to the medical doctor that she had no grievance against the Applicant and there was no forced sexual intercourse between them, and further considering the fact that the Applicant is in custody since 19th April, 2025, I am inclined to enlarge the

Applicant on bail, albeit subject to stringent conditions. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall not enter the jurisdiction of Malad Police Station, till the completion of the trial;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iv) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions
shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)