

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3255 OF 2025

Sujit Haripad Mallik

....Applicant

Versus

State of Maharashtra and Anr.

....Respondents

Mr. Nilesh Nidhalkar, for the Applicant.

Ms. Sangita Shinde, A.P.P. for the State.

Mr. Shriniwas Kamooni, API, Dighi police station, Pimpri-Chinchwad.

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CORAM : ABHAY J. MANTRI, J.

DATE : 13th MARCH 2026

P.C. :-

1. The Applicant has filed this application to release him on bail in connection with Crime No. 175 of 2023 registered with Dighi police station for the offences punishable under Sections 363 and 377 of the Indian Penal Code, 1860 and Sections 3, 4, 5, 7, 8, 10 and 11 of Protection of Children from Sexual Offences, 2012. (for short, the '*POCSO ACT*')

2. Heard the learned Advocate for the Applicant and learned APP for the State. Perused the application, charge sheet and record.

3. It appears that on 17th April, 2023, the mother of the victim lodged the report at Dighi police station alleging that on 16th April, 2023, the Applicant took her son (Victim) to the forest and committed unnatural sex with him. Based

on the said information, the offence was registered against the Applicant, and during the investigation, the Applicant was arrested. The investigation was completed, and a charge sheet was filed with the Court.

4. Learned Advocate for the Applicant vehemently argued that the Applicant has not committed any offence. However, he has been falsely implicated in the present crime at the instance of the previous company's contractor and manager and in collusion with the father of the victim, filed a false and concocted complaint against him. He submitted that the investigation was completed; however, the Applicant has been in custody for a long time, and the trial will take its own time to conclude. He pointed out the statement of the witnesses and argued that they do not support the prosecution's case. The C.A report is also on record, which does not support the prosecution's case. No test identification parade was conducted; therefore, he urged the release of the Applicant on bail.

5. On the other hand, the learned APP argued that the victim in the police statement, as well as the statement recorded under Section 164 of the Code of Criminal Procedure, 1973, (for short, '*Cr. P. C.*'), has categorically stated that the Applicant has committed an unnatural sexual act with him. Therefore, she submitted that there is ample material on record against the Applicant. Hence, she urged that the application be rejected.

6. Perusal of the statement of the victim before the police as well as the learned Magistrate recorded under Section 164 of the Cr. P. C., it appears that the victim was a minor aged 7 years whose statement was recorded by the learned Magistrate. During his statement, *prima facie*, he alleged that the accused tried to commit unnatural sex with him. His statement was consistent before the police as well as the learned Magistrate. Similarly, during the medical examination, he provided a history consistent with the victim's testimony.

7. Thus, having considered the facts and circumstances of the case and the statement of the victim recorded under Section 164 of the Cr. P. C., *prima facie*, it appears that the allegations against the Applicant are of a serious nature and his complicity in the offence is *prima facie* existing. Therefore, in my view, although the investigation is completed and the charge sheet has been filed, it would not be appropriate to release the Applicant on bail.

As a result, *the Application is rejected and disposed of.*

(ABHAY J. MANTRI, J.)