

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3275 OF 2025

Sunil Sahebrao Ahire	...Applicant
<i>Versus</i>	
State of Maharashtra And Anr.	...Respondents

Adv. Dheeraj Panchange, for the Applicant.
Mr. H. J. Dedhia, APP, for the Respondent No.1- State.
Adv. Sana Shaikh, for the Respondent No.2.
PSI Laxman Bade, Kalyan Taluka Police Station, is present.

CORAM: R. M. JOSHI, J.

DATED: 15th APRIL, 2026

PC:-

1. On the previous date of hearing, a detailed order came to be passed by this Court recording contentions of both sides so also no objection being recorded by mother of the victim for grant of bail. Since victim was not present then, notice was issued to the victim for her appearance before this Court.
2. Learned APP, on instructions, makes statement that victim is not residing with her mother and for want of her present address, she could not be served with the notice of this proceeding.
3. *Prima facie* perusal of the record indicates that there is substance in the contention of learned Counsel for the Applicant that there are material inconsistencies in the statement of the

victim and her mother made to the police and history given to the Medical Officer. The said inconsistencies cannot be ignored lightly. The applicant has come out with the specific case that since he was opposing victim's affair with another person, she being minor, present report came to be lodged against him. This contention of the Applicant gets support from the fact that the victim, a minor, is not staying with her mother but she staying with the person with whom she had affair.

4. Having regard to the inconsistencies in the statements recorded at the different stages of investigation and also in view of the fact that the victim is not staying with her own family, this could find substance in the contention of the Counsel for the Applicant that this could be a case of false implication.

5. Victim is not traceable. Thus, she is not likely to be examined before the Trial Court in short period of time. In such circumstances, Applicant cannot be kept in jail by way of pre-trial sentence. Hence, order :-

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 134 of 2025 registered with Kalyan Taluka Police Station, Thane Rural for the offences punishable under Section 64(2) (f), 64(2)(m), 352, 351(2) of Bhartiya Nyaya Sanhita, 2023 and Sections 6, 10, and 12 of the 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, to the satisfaction of the Trial Court.
- iii) The Applicant not to contact victim in any manner, whatsoever.
- iv) The Applicant not to pressurise any witness.
- v) Applicant to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- vi) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

6. In view of the above, Application stands allowed and disposed of accordingly.

7. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-