

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3275 OF 2025

Sunil Sahebrao Ahire

...Applicant

Versus

State of Maharashtra & Anr.

...Respondents

Mr. Dheeraj Panchange, for the Applicant.

Mr. Mayur S. Sonavane, APP for the Respondent-State.

Ms. Sana Shaikh, with Arshad Ahmed MKHully, for the
Respondent No.2.

Mother of the Victim, present.

Mr. Sambhaji Mane, PSI attached to Kalyan Taluka Police Station,
present.

CORAM: R. M. JOSHI, J.

DATED: 1st APRIL, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No. 134 of 2025 registered with Kalyan Taluka Police Station, Thane Rural for the offences punishable under Sections 64(2)(f), 64(2)(m), 352, 351(2) of Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 6, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act'). This is a case wherein the daughter of the present Applicant has made allegations against her father of subjecting her to forcible sexual intercourse. On the basis of said allegations, the Applicant came to be arrested. On completion of investigation, the charge-sheet is filed.

2. Learned counsel for the Applicant submits that this is a case of false implication and the same can be seen from the inconsistencies in the statements made by the Victim at different stages of investigation. In this regard, he drew attention of the Court to the statement recorded in the First Information Report, supplementary statement and the history given to the Medical Officer. It is his further submission that false implication is made for the reason that the Applicant has opposed the love affair of the Victim with another person. It is his submission that since the Victim was minor, the Applicant was opposing the same. A statement is made that the Victim is not residing with her mother but she is residing with the said person, which indicates that this is a case of false implication.

3. The learned APP opposes the Application by citing seriousness of the crime. He however, on instructions, when this Court asked him to seek such instructions, makes a statement that the Victim is not residing with her mother but is residing with the person with whom she is having an affair.

4. Learned counsel for the Respondent No.2/Informant, on instructions, submits that the Victim is not residing with her mother. She records 'No Objection' for grant of bail to the Applicant. She further submits that as per her instructions, Respondent No.2 is not served with the notice but the mother of the Respondent No.2 is served.

5. Herein in this case, the Victim herself is Informant. The Victim/Informant needs to be served with the notice of the present proceeding. Hence, the learned APP to instruct the concerned

Police Station to intimate the Respondent No.2 about the pendency of the present Application. Appropriate further order shall be passed on completion of service.

6. Stand over to 15th April 2026. Part-heard.

(R. M. JOSHI, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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