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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.3344 OF 2025

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Rakesh Ramnarayan Yadav

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Piyush Chhabria for the Applicant.

Ms. S.S. Gajare, APP for the State – Respondent.

Mr.Sachin Chandad for Respondent No.2.

Mr.Vishal Chavan, API, Khadakpada Police Station, Kalyan is present in Court.

CORAM : R.M. JOSHI, J.

DATE : 10TH MARCH, 2026.

P.C. :-

1. This application is for bail in connection with Crime No.232 of 2025, registered with Khadakpada Police Station for the offence punishable under Section 74 and 333 of BNS and under Section 8 of POCSO Act.

2. On the basis of the FIR lodged on 14th March, 2025 by the minor girl, offence came to be registered against the

Applicant. It is alleged that on that day i.e. at about 3:30 p.m., the Applicant outrage modesty of the the informant. She claims that when she raise cries, her younger sister came in the house and she slapped the Applicant. After conclusion of investigation, chargesheet is filed.

3. Learned counsel for the Applicant submits that there is material inconsistency in the statement of the informant and the medical certificate on record. It is submitted that when admittedly no incident has occurred with the sister of the informant, there is medical certificate indicating simple injury being caused to her and there is no medical certificate of the informant. This discrepancy according to him in this case goes to the root of the matter. In this backdrop, it is his submission that after filing of the chargesheet, further custody of the Applicant is not necessary and that he cannot be kept behind the bar by way of pre-trial sentence.

4. Learned counsel for Respondent No.2 and the learned APP opposed the application. It is their contention that the possibility of the said inconsistency as pointed out by the learned

counsel for the Applicant on account of inadvertence is not ruled out. Learned counsel for Respondent No.2 also says that similar offence has been registered against the present Applicant and considering the history, it would be unsafe to enlarge him on bail, as the Applicant the informant are neighbors. Learned counsel for the Applicant in response to the said submission, makes a statement on instructions that the Applicant will not enter the local jurisdiction of Khadakpada Police Station till the examination of the informant and the eye witness of the incident before the Trial Court.

5. The offence charged against the Applicant is punishable with imprisonment of 5 years. Perusal of the record indicates that there is *prima-facie* substance in the contention of the learned counsel for the Applicant with regard to the material inconsistency in the statement of the informant and medical certificate on record. Since voluntary statement has been made by the learned counsel for the Applicant on instructions about the Applicant staying away from the local jurisdiction of Khadakpada Police Station till the examination of the informant

and eye witness before the Trial Court, the same takes care the apprehension of the prosecution and the informant. Hence the following order :-

ORDER

- a). The Application stands allowed in connection with connection with Crime No.232 of 2025, registered with Khadakpada Police Station.
- b). The Applicant be 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.
- c). The Applicant shall not enter in the local jurisdiction of Khadakpada Police Station till recording of evidence of the informant and the eye witness
- d). The Applicant not to contact the victim or any witness in any manner whatsoever and not to interfere into the evidence of the prosecution. Any breach of the condition of bail shall forthwith result into cancellation of bail and taking the custody of the Applicant.

(R.M. JOSHI, J.)