

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3353 OF 2025

Vijay Babasaheb Adhav	...Applicant
<i>Versus</i>	
The State of Maharashtra And Anr.	...Respondents

Mr. Raj L. Kamble a/w Shri D. Bhosale, for the Applicant.

Mr. Rishikesh M. Pethe, APP, for the Respondent – State.

Mr. Danish Patel, Appointed through Legal Aid, for the Respondent No.2.

PSI – Dattatray R. Ghanwat, Pairavi Officer, Parksite Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 17th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 202 of 2020 registered with Parksite Police Station, Mumbai for the offences punishable under Sections 376(D), 363, 354, 354(A) (1), 34 of the Indian Penal Code, 1860 (for short, “IPC”).
2. On the basis of the First Information Report lodged by the sister of the victim, Applicant and co-accused committed forcible sexual intercourse with the victim who is mentally challenged person. During the course of the investigation victim was sent for medical examination however she did not undergo the

medical examination. On conclusion of investigation, chargesheet is filed.

3. At the outset learned Counsel for the Applicant submits that as co-accused against whom similar allegations are made, are already enlarged on bail. It is his submission that on parity Applicant deserves bail as he has no criminal history behind him. It is also argued that there is absolutely no evidence on record to prove the charges against the Applicant.

4. Learned APP and learned Counsel for the Respondent No.2 opposed the application. According to the learned APP the evidence before the Trial Court has already commenced and six witnesses being examined for the trial. Learned Counsel for the Applicant submits that inspite of the said fact, having regard to the number of witnesses to be examined the possibility of completion of trial in short period of time is not possible.

5. *Prima facie* perusal of the record indicates that exactly same allegations are made against co-accused who are already enlarged on bail by this Court by order dated 2nd May 2025. Applicant has no criminal history. Thus this Court has finds no justification to deny party. Hence, following order :-

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 202 of 2020 registered with Parksite Police Station, Mumbai for the offences punishable under Sections 376 (D), 363,

354, 354(A)(1), 34 of the Indian Penal Code, 1860.

- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned police station and also to the Trial Court.
- iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for.
- v) Applicant shall attend the Trial Court on first Tuesday of every month between 11:00 a.m. and 1:00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day.
- vi) Applicant shall not make any attempts to re-associate with the victim in any manner either through a device or in-person and shall not reside in the jurisdiction of the police station wherein the victim is residing until the trial is concluded. Investigating Officer shall specifically ensure that this condition is followed.

- vii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if they do so, it will entitle the prosecution to apply for cancellation of this order.
- viii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- ix) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner.
- x) Any breach of the aforesaid 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/-