

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3377 OF 2025

Pradip Ramdev Prajapati

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Prashant Pandey a/w Pradeep Singh, Kanchan Prajapati,
Hemant Shukla and Janhavi Kadam, for the Applicant.

Mr. Hitendra J. Dedhia, APP for the Respondent - State.

Mr. Kunal Aher, for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 24th MARCH, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with CR No. 1 of 2025 registered with Waliv Police Station, District Mira Bhaindar, Vasai Virar, for the offence punishable under Section 64 and 65(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. The First Information Report indicates that a girl aged 16 years was sexually abused by the present Applicant who is her employer. The first incident of sexual intercourse occurred on 31st December 2024, at about 06:30 p.m. The girl was threatened by the Applicant. She disclosed the said incident to her father. He took her to the hospital. However, the report was not registered immediately by the police. On the next day, she went to the place

of work. She slept there and the Applicant called her and subjected her to the sexual intercourse. It is thereafter the report came to be registered. The medical history given by her was recorded by the medical officer, which came to be included in the investigation papers. The Applicant was arrested. On completion of investigation, charge-sheet is filed.

3. At the outset, learned counsel for the Applicant submits that the Applicant was not produced within 24 hours of his arrest and hence is entitled for bail on this count alone. Secondly, it is his submission that the grounds of arrest were not communicated to the Applicant which makes him entitle to get bail. On merits, it is his argument that there is a delay in lodging of the report in respect of the first incident which creates doubt about the occurrence by itself. It is argued that it is not possible that a girl who was subjected to forcible sexual intercourse by the Applicant would go and sleep in the premises of the Applicant even without she being forced or called to remain present there. It is his further submission that having regard to the medical evidence on record it cannot be said that there is an evidence of recent sexual intercourse with the victim. On these among the other contentions he seek bail as there is no possibility of commencement and conclusion of the trial within a reasonable time. It is claimed that Applicant has no criminal history and not likely to flee.

4. Learned APP and learned counsel for Respondent No.2 oppose the application essentially on the ground that the offence charged against the Applicant is serious in nature.

5. Learned APP drew attention of the Court to the statements recorded during the course of investigation, which according to him indicate that the victim was working with the Applicant and was subjected to sexual intercourse.

6. Learned counsel for Respondent No.2, referred to the statement of the victim so also the medical evidence on record in order to argue that *prima facie* there is evidence to show involvement of the Applicant in this serious crime. It is contended that sole testimony of victim is sufficient to convict Applicant.

7. Insofar as the ground sought to be made out of non production of the Applicant before the Magistrate within 24 hours of his arrest is concerned, there is no material on record in order to show that the same production is beyond 24 hours. This observation is inevitable in view of the fact that the time required for transit / conveyance is required to be excluded from the period of 24 hours. Apart from this, the order of Magistrate indicates that the grounds of arrest were explained and the Magistrate was satisfied with the same. Hence, these grounds sought to be made out have no merit.

8. There cannot be any dispute made with regard to the position of law that in case the evidence of the prosecution is consistent and the statement of the victim is found relevant and free from doubt, it can become sole basis for conviction of the accused. Herein this case, however, as rightly pointed out by the learned counsel for the Applicant that it is practically not possible to accept that the girl who was subjected to forceful sexual intercourse by the Applicant on earlier day would go to the premises of the Applicant i.e. the workplace and sleeps there.

Pertinently, it is not a case of the prosecution that the Applicant had compelled her to visit the workplace on that day. Apart from this, perusal of the medical history given to the medical officer indicates that the victim girl accepted sexual intercourse with her Boyfriend at earlier point of time. In the light of this fact, when the *prima facie* medical certificate does not indicate any fresh injuries on the person or genital of the victim and hence medical evidence cannot be considered as incriminating circumstance against Applicant. At this stage, there is no reason to discard the contention of the learned counsel for the Applicant about there being possibility of false implication owing to the dispute with regard to the payment of employment dues.

9. The charge has not been framed till date. The trial is not likely to commence and conclude within a reasonable time. The Applicant has no criminal history and is not likely to flee from justice.

10. In view of the above discussions, this is a fit case for grant of bail. Hence, the following order.

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.1 of 2025 registered with the Waliv Police Station, the Applicant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.

iv) The Applicant shall not contact the victim or witnesses directly or indirectly in any manner whatsoever.

v) The Applicant shall appear before the Trial Court on every date of hearing, unless prevented by sufficient cause.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)