

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3413 OF 2025

Nitin Eknath Guroda	...Applicant
<i>Versus</i>	
State of Maharashtra and Anr.	...Respondents

Mr. Yogesh Rawool a/w Shailesh Redekar and Nidhi Gupta, for the Applicant.

Mr. Shailesh Ghag, APP, for the State.

Mr. Rushabh Vidyarthi, appointed Advocate for the Respondent No.2.

PSI – Santosh Wakchaure, Bhiwandi Taluka Police Station, Thane Rural, present.

CORAM: R. M. JOSHI, J.

DATED: 9th MARCH, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No.110 of 2025 dated 23rd March, 2025 registered with Bhiwandi Taluka Police Station, for the offence punishable under Sections 64(1) and 69 of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO').

2. The first informant i.e. the mother of the victim aged about 17 years and 10 months, lodged a report stating that there

was a love affair between the victim and the present Applicant and they had physical relations. It is claimed in the First Information Report that, out of the said physical relations, the victim became pregnant and delivered a child. Since the Applicant refused to marry with her, the First Information Report came to be lodged.

3. Learned counsel for the Applicant submits that after the conclusion of the investigation, the charge-sheet has been filed. He drew attention of the Court to the DNA Report, which excludes the Applicant from being the biological father of the child born to the victim. It is his submission that, in such circumstances, the statement of victim becomes doubtful so also the medical evidence would not be sufficient to prove the guilt of the accused. He further submits that the Applicant has no criminal history and is not likely to flee from justice. In response to the arguments of counsel for the Respondent No.2 that there is a possibility of the victim being pressurized by the Applicant, the counsel for the Applicant, on instructions, makes a statement that the Applicant would not enter into the jurisdiction of the Bhiwandi Taluka Police Station till conclusion of the trial.

4. Learned APP and learned counsel for the Respondent No.2 oppose the bail application. It is their contention that the consent of the victim becomes immaterial since she was minor at the time of the incident. Learned counsel for the Respondent No.2 further opposes bail application on the ground that there is every possibility of the victim being pressurized and threatened by the Applicant if he is enlarged on bail.

5. *Prima facie* perusal of the record indicates that the victim does not claim she having any physical relations with the anyone but for the present Applicant. This contention of the victim, as rightly pointed out by the learned counsel for the Applicant, is not supported by the DNA Report. Thus, it can be said that the statement of the victim would require corroboration in order to accept the same for convicting the accused.

6. The Applicant has no criminal history and he is not likely to flee from justice. The voluntary statement made by the Applicant's counsel that the Applicant will not enter the jurisdiction of the concerned police station till the conclusion of the trial will take care of the apprehension of the Respondent No.2. Hence, the following order:-

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.110 of 2025 registered with the Bhiwandi Taluka Police Station, 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.
- iii) As volunteered, the Applicant shall not enter the jurisdiction of Bhiwandi Taluka Police Station till conclusion of the trial.
- iv) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.
- v) The Applicant shall not contact the victim.

7. 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.)