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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.3482 OF 2025

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Vijay Babu Kamble

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Harideep Singh for the Applicant.

Mr.S.S. Ghag, APP for the State – Respondent.

Ms.Komal Sinha for Respondent No.2.

Mr.Bajrang Desai, PSI, Samta Nagar Police Station is present in Court.

CORAM : R.M. JOSHI, J.

DATE : 27TH MARCH, 2026.

P.C. :-

1. This Application is for regular bail in connection with Crime No.258 of 2025 registered with Samta Nagar Police Station for the offences punishable under Sections 137(2), 64(2) of Bhartiya Naya Sanhita (BNS) and under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. Learned counsel for the Applicant submits that the statement recorded during the course of investigation by the victim are totally inconsistent and hence unreliable. He drew attention of the Court to the statement dated 30th March, 2025, which according to him indicates that the victim attributed no allegations against the present Applicant. On the next day i.e. on 31st March, 2025, she makes a statement alleging that the incident of forcible sexual intercourse occurred. The history given to the Medical Officer speaks for together different version of the incident claiming that she was given food with intoxicating material and therefore, she was not in consciousness and had no control over her body following the consumption of water and food. This according to him is totally inconsistent with the statement made earlier. It is submitted that the Applicant is aged 21 years with no criminal history behind him and since the trial is not likely to commence and concluded in reasonable period of time, he is entitled for bail.

3. Learned APP and learned counsel for Respondent No.2 opposed the application by submitting that the provisions of

POCSO Act has application to the present case. It is their submission that in the statement recorded by the police, there is specific allegation against the present Applicant of he committing forcible sexual intercourse with her and which is supported by the medical evidence. It is their submission that since the victim is minor, in any case it cannot be accepted that she was the consenting party to acts in question.

4. If the statement of the victim of sexual assault is found reliable and free from doubt, it can become the sole ground for conviction of the accused. However, inconsistencies in the statement of the victim recorded at the different stage of investigation cannot be completely ignored. Here in this case, the victim in presence of her father and uncle makes a statement to the police not attributing anything against the Applicant however, on the very next day she makes statement about the Applicant committing sexual intercourse with her. While making such statement, she does not state that she was made to consume any food / water which made her unconscious and thereafter the incident in question has occurred. In the statement

before the Medical Officer however, such version is sought to be given about the occurrence of the incident. There are material inconsistencies in the statement of the victim. At this stage, therefore, this Court finds substance in the contention of the learned counsel for the Applicant that this is a fit case for grant of bail. The Applicant has no criminal history behind him. He is of young age. His presence can be secured during trial while imposing appropriate conditions.

5. At this stage, learned counsel for Respondent No.2 submits that there is apprehension of the victim that the Applicant on enlargement on bail would pressurize the victim and witnesses. Learned counsel for the Applicant on instructions makes a statement that the Applicant will not enter the jurisdiction of Samta Nagar Police Station till conclusion of trial.

Hence the following order :-

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.258 of 2025 registered with Samta Nagar Police

Station 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 not to contact victim or any other witness of the prosecution directly or indirectly or in any manner whatsoever.

d). The Applicant as undertaken, not to enter the jurisdiction of Samta Nagar Police Station till conclusion of the trial.

e). Breach of these conditions would result in cancellation of the order of grant of bail.

f). It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)