

N.S.Kamble

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO. 3552 OF 2025**

Sahil Kiran Yelwande

....Applicant

VERSUS

State Of Maharashtra And Anr

....Respondent

NILAM  
SANTOSH  
KAMBLE

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Mr.Vrushabh Savla a/w Mr.Darshan Kotian, for the Applicant.

Ms.K.T. Hiwrale, APP for Respondent-State.

Mr.Yuvraj Dhole, for Respondent No.2.

Mr.S.R. Jaybhaye, PSI.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22<sup>nd</sup> APRIL 2026**P.C. :**

. By this Application, the Applicant is seeking regular bail in Crime No.202 of 2025 registered with MIDC Mhalunge, Police Station, Khed, Pune, for the offences punishable under Sections 64(2)(i), 64(2)(m), 65(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) and Sections 3(a), 4, 5(j)(ii), 5(l) and 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

2. It is prosecution's case that the Applicant and co-accused sexually assaulted daughter of the First Informant and impregnated her.

3. It is contention of learned counsel for the Applicant that at the time of incident, the victim was 16 years old. The Applicant is behind bars for more

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than one year. The DNA of the fetus does not match with the DNA of the Applicant and it matches with the co-accused. The Applicant has no antecedents. There is no progress in trial, and requested to allow the Application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the Applicant and co-accused repeatedly sexually assaulted the victim by threatening her. There are allegations of the sexual assault against the Applicant. If the Applicant released on bail, he may abscond or threaten Victim, First Informant and prosecution witnesses, and requested to reject the Application.

5. I have heard all learned counsel. Perused charge-sheet and documents produced on record.

6. There is delay in lodging the complaint. The DNA of the fetus does not match with the DNA of the Applicant and it matches with the co-accused. The Applicant is behind bars for more than one year. The Applicant has no antecedents. There is no progress in trial. It may take time to conclude the trial.

7. Considering these facts, I pass following order.

### **ORDER**

- (i) The Applicant be released on bail in Crime No.202 of 2025 registered with MIDC Mhalunge Police Station, Khed

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Pune, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(iv) The Applicant shall attend the concerned Police Station as and when required.

(v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)