

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3594 OF 2025

Kaushlesh Hemraj Mishra @ Lala	...Applicant
<i>Versus</i>	
State of Maharashtra And Anr.	...Respondents

Mr. Hemant Shukla a/w Ms. Janhavi Kadam, for the Applicant.
Mr. S. S. Ghag, APP, for the Respondent - State.
Ms. Meghna Gawalani, for the Respondent No.2.
API Anita Hodge, Kurar Village Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 23rd MARCH, 2026

PC:-

1. Applicant seeks regular bail in connection with Crime No. 87 of 2025 registered with Kurar Village Police Station, Mumbai, for the offences punishable under Section 65(1) of the Bhartiya Nyaya Sanhita, 2023 (For short “BNS Act”) and under Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”).

2. Learned Counsel for the Applicant submits that *prima facie* perusal of the chargesheet indicates that there is no evidence collected by the prosecution indicating that any phone call was made by the grandmother of the victim calling Applicant to help a girl. It is his further submission that not only that such evidence is absent, he argues that the conduct of the grandmother of the victim girl is not normal as it was not

expected from her to leave the house after she calls someone to help the grand-daughter in the house. Apart from this it is his submission that there is inconsistency in the record in respect of the place of arrest of the Applicant. He placed that since the Applicant refused to do the work beyond working hours, the victim's family had grievance against him alongwith other members of the society and hence he is falsely implicated in the crime. It is further claimed that on 2nd February 2025, Applicant came to be arrested and that there is no possibility of conclusion of trial in reasonable period of time.

3. Learned APP and Learned Counsel for the Respondent No.2 opposes the Application. Learned Counsel for the Respondent No.2 pointed out statement of victim made at all stages of investigation which according to her are consistent and hence could become a sole ground for conviction of the accused. Reference is also made to Section 29 of the Act which provides presumptions of the offences under the Act against Applicant/Accused.

4. Learned APP opposes Application by pointing out that the statement of victim is girl is supported by her grandmother and as such having regard to the serious nature of crime, this is not a case for grant of bail. Learned APP apprehends that if bail is granted, Applicant is likely to pressurise victim and witnesses. In response to this submission, Learned Counsel for the Applicant, on instructions, makes statement that the Applicant would not

enter in the jurisdiction of Kurar Village Police Station, Mumbai, till conclusion of trial.

5. No doubt the solitary statement of victim if found reliable can taken a ground for conviction of an accused. At the same time the inconsistencies in the investigation cannot be completely ignored by the Court even at this stage. This Court finds substance in the contention of Counsel for the Applicant that it is not a conduct of prudent person that the grandmother of the victim would call Applicant on mobile phone to her house and would leave the house keeping her minor grand-daughter at home in company of Accused. Apart from this though there is allegation that the Applicant was called on mobile phone, there is absolutely no investigation done by the investigating agency in this regard. Thus *prima facie* doubt is created into the story of prosecution.

6. In the light of these facts, Applicant is behind bar for a period of one year. He has no criminal history. He is not likely to flee from justice hence it is a fit case for grant of bail. Hence, order.

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 87 of 2025 registered with Kurar Village Police Station, Mumbai, for the offences punishable under Section 65(1) of the Bhartiya Nyaya Sanhita, 2023 and under Section 4, 8 and 12 of the Protection of Children from Sexual Offences

Act, 2012.

- ii) Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one local surety in the like amount, till the satisfaction of the Trial Court.
- iii) Applicant not to contact victim or any witness of the prosecution, in any manner, whatsoever.
- iv) Applicant to attend all dates of hearing before the Trial Court unless his presence is exempted by passing specific order.
- v) As undertaken Applicant shall not enter the jurisdiction of Kurar Village Police Station, Mumbai, till conclusion of Trial.
- vi) Any breach of the above condition shall result forthwith in cancellation of bail.

7. The application is allowed in aforesaid terms and is accordingly disposed of.

8. 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 trial.

9. All concerned to act upon the authenticated copy of this order.

(R. M. JOSHI, J.)

VDMokal/-