

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3645 OF 2025

Hasan Ahmad Majumdar @ Hasan Ahmed Manjir Ali Majumdar	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Tohid Shaikh i/b Anjali Patil for the Applicant
Ms.S.D. Shinde, APP for the Respondent-State.
Ms. Komal Sinha for the Victim.
Mr. Dipak R. Thorat, PSI, Oshiwara Police Station.

CORAM: R. M. JOSHI, J.

DATED: 07th May, 2026

PC:-

1. Applicant seeks bail in connection with C.R. No.923 of 2024 registered with Oshiwara Police Station, for the offences punishable under Sections 64 and 74 of the Bharatiya Nyaya Sanhita, 2023 and Section 4 8 and 12 of the Protection of Children from Sexual Offences, Act
2. In short, it is a case of the prosecution that on 22.08.2024, the applicant is forcibly taken to the victim to

bathroom and committed forcible sexual intercourse with her. She was referred for medical examination, statement of the witness were recorded. On conclusion of the investigation, chargesheet has been filed.

3. Learned counsel for the applicant submits that the statements of the victim recorded under Section 183 of the BNSS is contrary to her version before the police. According to him, once such inconsistencies occurs in the statement of the victim unless supported by any other evidence such as medical evidence, it would be safe to accept her statement for the purpose of conviction of the applicant. He drew attention of this Court to the medical papers indicating that there were no fresh injuries on the person of the victim. Supporting her allegation against the applicant, he claimed that the applicant is arrested on 23.08.2024 and since then he is in jail without trial.

4. Learned APP and Learned counsel for the Respondent No.2 opposed the application. It is their contention that the victim has candidly stated manner in which the incident has

occurred to the Police and before the Medical Officer. Learned APP informed this Court that the charge has been framed on 28.11.2025 and as such the trial could not be get over in a reasonable period of time.

5. Learned APP and Learned counsel for the Respondent No.2 apprehends pressurizing of the victim and witnesses at the hands of the applicant, if he is enlarged on bail. Learned counsel for the Applicant on instructions, makes statement that applicant will not enter the jurisdiction of the Oshiwara Police Station till conclusion of the trial.

6. *Prima-facie*, perusal of the record indicates that there are material inconsistencies in the statement of the victim is recorded before the Police and under section 183 before the Magistrate. This Court finds substance in the contention of the counsel for the applicant that the inconsistencies are material in nature. Apart from this, the allegation of the victim against the applicant are not supported by the medical evidence on record. Applicant has no criminal history, he is not likely to flee from justice, trial is yet to commence, hence

this is a fit case to grant bail.

7. Hence, following order

ORDER

- i) The application stands allowed.
 - ii) Applicant is enlarged on bail in connection with C.R. No.923 of 2024 registered with Oshiwara Police Station, to the enlarged on bail on furnishing PR Bond of Rs. 30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
 - iii) The applicant shall not in any manner contract the informant/ victim, during the pendency of the trial.
 - iv) Applicant to attend each hearing of the trial court on all scheduled dates except exempted by the court.
 - v) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant or any other persons concerned with the case.
 - vi) The applicant shall not enter the jurisdiction of Oshiwara Police Station, during the pendency of the trial.
8. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.
9. It is made clear that the observations made in this order

are limited to the question of grant of bail to the applicant and that the Trial Court shall proceed further in the matter without being influenced by the observations made herein-above.

10. In view of the above, application stands disposed of.

R. M. JOSHI, J.