

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3657 OF 2025

|                           |               |
|---------------------------|---------------|
| Dattatray Wamanrao Tathod | ...Applicant  |
| <i>Versus</i>             |               |
| State Of Maharashtra      | ...Respondent |

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Ms. Meghna Ashok Gowalani, for the Applicant.  
Mr. Ashok S. Gawai, APP for the Respondent - State.  
Mr. Sumedh Modak, for the Respondent No.2.  
PSI – S.S. Ghag, Malwani Police Station, present.

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CORAM: R. M. JOSHI, J.

DATED: 18<sup>th</sup> MARCH, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with CR No.74 of 2025 dated 15<sup>th</sup> January, 2025 registered with Malvani Police Station, for offence punishable under Sections 74 of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 8 and 12 of the Protection of Children from Sexual Offences ('POCSO') Act, 2012.

2. Learned counsel for the Applicant submits that in the charge-sheet there is absolutely no evidence to connect the Applicant with the crime in question. She drew attention of the Court to the charge-sheet and argued that although the CCTV footage has been recovered, transcript thereof has not been prepared, nor has the victim identified the Applicant to be the perpetrator of the crime on the basis of the said CCTV footage.

Apart from this, it is her further contention that no Identification Parade has been conducted by the Investigating Agency to show that the Applicant is the one who committed the alleged act. She therefore seeks bail.

3. Learned counsel for the Respondent No.2 opposed the application, citing the seriousness of the crime being committed against a minor girl.

4. Learned APP opposed the application by drawing attention of the Court to the statement of the victim so also the statement of the watchman, who claims presence of the Applicant at the relevant time.

5. Needless to state that more serious the crime, it should be investigated more seriously and with extreme care and caution. Here in this case, as rightly argued on behalf of the Applicant that if the perpetrator of the crime was an unknown person, it was necessary for the prosecution either to conduct an Identification Parade or at least to seek identification of the Applicant on the basis of the CCTV footage. Admittedly, this has not been done by the prosecution.

6. *Prima facie*, therefore, there is no material to show the involvement of the Applicant in the crime. The Applicant is aged about 76 years and has no criminal history behind him. The trial is not likely to get over within reasonable time. Hence, the following order is passed.

**ORDER**

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.74 of 2025 registered with the Malvani 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) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.
- iv) The Applicant shall not contact the victim.
- v) The Applicant shall appear before the Trial Court on every date of hearing, unless prevented by sufficient cause.

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.)