

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3714 OF 2025

Lingappa Somana Bengali	...Applicant
<i>Versus</i>	
State of Maharashtra and Anr.	...Respondents

Ms. Jyoti Pangerkar a/w Mohan Raut, for the Applicant.
Mr. S.S. Ghag, APP for the Respondent - State.
Mr. Nasim Khan, for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 17th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.844 of 2024 dated 18th October, 2024, registered with Powai Police Station, District Mumbai, for offence punishable under Section 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. The First Informant has reported the incident occurred that with the nephew that on 13th October, 2024 wherein the Applicant who is step-father of the victim boy, inappropriately touched him. Specific allegations are mentioned in the FIR. In connection with crime the Applicant came to be arrested on 18th October, 2024. On completion of investigation, charge-sheet has been filed.

3. Learned counsel for the Applicant submits that the Informant has a grievance against the Applicant and the wife of the Applicant i.e. the mother of the victim boy. To support this submission, she placed reliance on NC report lodged against the Informant dated 16th September, 2024. It is argued that there is delay in lodging of the Report and considering the NC lodged against the Informant, the possibility of false implication exists. It is her further submission that the Applicant is in jail for over a period of one year and six months however till date charge has not been framed.

4. Learned APP and learned counsel for the Respondent No.2 opposed the application. It is their contention that having regard to the serious nature of crime, Applicant is not entitled for bail. In this regard, reference is made to the statement of the victim boy recorded under Section 183 of the BNSS by the Magistrate. On these among other contentions rejection of application is sought.

5. *Prima facie* perusal fo the record indicates that the FIR has not been lodged by the mother of the victim boy but by the aunt of the victim boy. This becomes relevant in view of the fact that NC complaint was lodged by the mother of the victim against her just before the lodging of the FIR. It is difficult to accept this at this stage that the victim boy was able to disclose the alleged incident to the aunt but not to the mother. In light of these facts, the unexplained delay in lodging of report assumes importance. In In any case, the Applicant is in jail over a period of one year and six months. The charge has not been framed. Owing to the

pendency before the Trial Court, there is no possibility of commencement and conclusion of the trial in a reasonable period of time. The Applicant cannot be kept behind the bars by way of pretrial sentence. Hence, following order is passed.

ORDER

- i) The Bail Application stands allowed.
- ii) In connection with CR No.844 of 2024 dated 18th October, 2024, registered with Powai Police Station, District Mumbai, the Applicant be enlarged on bail on furnishing PR Bond in the sum 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.

6. 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.)