

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3718 OF 2025**

Adarsh Ramesh Dontula

...Applicant

Versus

State of Maharashtra and Anr.

...Respondents

Ms. Jyoti Pangerkar a/w Swati Acharya, *for the Applicant.*

Ms. Poonam P Bhosale, *APP for the Respondent - State.*

Ms. Anjali More, *for the Respondent No.2.*

PSI – Mahesh Anjanwad, Shivajinagar Police Station, Mumbai,
present.

**CORAM DR. NEELA GOKHALE, J.
DATED: 24TH FEBRUARY 2026**

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 741 of 2024 dated 17th October, 2024 registered with the Shivajinagar Police Station, Brihanmumbai City for the offences punishable under Sections 64, 64(2)(f), 64(2)(i), 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023 (for short ‘**BNS**’) and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences (‘**POCSO**’) Act, 2012.

2. The brief facts of the prosecution case are that the First Informant was a minor girl of 16 years at the time of incident. According to her she lived with her family, which included the children of her paternal uncle. Since they lived together, they used to sleep together in one bedroom. According to the prosecution story on 22nd August, 2024, the First Informant was taken to a doctor by her mother as she was not getting her periods. Thereafter, on 17th October, 2024 she, on the advice of the doctor, got her Sonography done as she was still not getting her periods. After collecting the report, she went to the doctor and there she was informed that she was 13 weeks pregnant. Thus, the family members of the First Informant questioned her as to how she had conceived. The First Informant informed her mother that when she was sleeping in the night with her cousin, her cousin, namely, the Applicant herein, sexually assaulted her on many occasions, hence, she had conceived. Accordingly, pursuant to registration of the FIR, the Applicant came to be arrested on 17th October, 2024.

3. The Applicant made an application seeking bail before the Special Judge (POCSO), City Civil & Sessions Court, Greater Mumbai. However, by order dated 5th August, 2025, the said application was rejected. Hence, the Applicant has filed the present Application for the relief as prayed.

4. Ms. Pangerkar, learned counsel for the Applicant, submits that this is a case of false implication. She has placed on record the deposition of the First Informant / victim recorded in the trial before the Addl. Sessions Judge & Designated Judge for POCSO, Greater Bombay. She has relied upon the said deposition that the First Informant / victim has turned hostile and has not supported the prosecution case. She also placed on record the DNA Report which concluded that the Applicant is not the biological father of the fetus. She, thus, submits that the Applicant is innocent and has been falsely implicated by the First Informant for the reason best known to her. She thus, prays that the Applicant be enlarged on bail.

5. *Per contra*, Ms. Bhosale, learned APP resists the Bail Application. However, she leaves it to the Court to pass appropriate orders.

6. Ms. More, learned counsel for the Respondent No.2, on instructions from the Respondent No.2, states that she does not wish to pursue the matter any further. She further submits that in her interaction with the First Informant, she told that the First Informant took the name of the Applicant due to fear of her father. She also relies upon the deposition recorded before the Special Court as well as the DNA Report and submits that the Applicant be enlarged on bail.

7. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

8. *Prima facie* it appears from the FIR that the offence is committed by the cousin brother of the First

Informant. However, the DNA Report dated 18th March, 2025 indicates that the DNA of the fetus does not match with the DNA of the Applicant and in fact, the CA report certifies that the Applicant is excluded from being the biological father of the fetus. In these circumstances, *prima facie* it appears that the child born to the First Informant was not that of the Applicant. Without taking into account the consent given by the First Informant to grant bail to the Applicant, considering her deposition before the Special Court as well as the CA Report as also the fact that the Applicant is in custody since 17th October, 2024, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall not enter the territorial jurisdiction of Bhiwandi Police Station, till the conclusion of the trial;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or

mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. The Bail Application is allowed in the above terms and is accordingly disposed of.

10. 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.

(DR. NEELA GOKHALE, J)