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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.3766 OF 2025

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Jayesh Ramesh Pardhi

...Applicant

V/s.

State of Maharashtra & Anr.

..Respondents

Mr.Arjun Kadam for the Applicant.

Mr.R.M. Pethe, APP for the State – Respondent.

Ms.Kanchan Pawar for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 7TH APRIL, 2026.

P.C. :-

1. The Applicant seeks bail in connection with Crime No.570 of 2022 registered with Waliv Police Station, Vasai Palghar for the offences punishable under Sections 363, 366, 376, 376(2) (n) of Indian Penal Code, 1860 and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. On the basis of the statement of a minor girl, offence

came to be registered against the Applicant. It was alleged by her that the Applicant forcibly committed sexual intercourse with her. Victim was referred for medical examination. The statements of witnesses were recorded. The Applicant came to be arrested on 10th August, 2022. On conclusion of investigation, chargesheet is filed.

3. Learned counsel for the Applicant at the outset submits that there is no conclusive evidence on record indicating the victim to be minor at the relevant time. It is his submission that the school leaving certificate though is collected during the course of investigation, there is nothing on record to indicate that the said school leaving certificate is issued by the school, first attended by the victim. In this regard, he made reference to the provisions of Section 96 and Rule 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. It is his submission that in such circumstances it was necessary for the Investigating Agency to get the ossification test done of the victim to ascertain her age. It is his argument that at this stage, it cannot be said that the victim is minor. It is his further submission that the

victim's statement clearly indicates this to be a possible case of love in relation. In such circumstances, when the Applicant has no criminal history behind him, he is entitled for bail.

4. Learned APP and learned counsel for Respondent No.2 opposed the application citing the provisions of the POCSO Act. It is submitted that since the victim is minor as appears from the evidence collected during the investigation, her consent, if any, becomes immaterial.

5. *Prima-facie*, a perusal of the record indicates that there is substance in the contention of the learned counsel for the Applicant with regard to the age of the victim and the proof thereof. Thus at least at this stage it cannot be said that there is conclusive evidence to hold that the victim was minor at the relevant time. Perusal of the statement of the victim indicates that she had been to the place of the Applicant and even stayed therein for few days. Thus this could be a possible case of love relationship. The Applicant has no criminal history. He is not likely to flee from justice. Hence the order :-

ORDER:

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.570 of 2022 registered with Waliv Police Station, Vasai Palghar on furnishing PR bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.
- c). The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.
- d). It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R.M. JOSHI, J.)