

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3856 OF 2025

Samir Dhawlu Taral	...Applicant
<i>Versus</i>	
The State of Maharashtra And Anr.	...Respondents

Mr. Ramesh Galait a/w Mr. Sangharsh Shalya i/by Mr. Feroj J. Shaikh, for the Applicant.
Mr. H. J. Dedhia, APP, for the Respondent - State.
Ms. Ashwini Achari, for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 1st APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 113 of 2022 registered with Jawhar Police Station, Dist. Palghar, for the offences punishable under Sections 302, 201, 341, 376, 376(D) and 34 of the Indian Penal Code (For short “IPC”) and Sections 4, 6, 8, 12, 16 and 18 of Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

2. It is the case of the prosecution that victim girl aged about 16 and 1/2 years used to go for grazing cattles and keeping tab on the cashew and mango trees. On 14th June 2022 at around 11:00 a.m. she went to the Wadi but didn't return home. At about 5.30 p.m. on the following day, dead body of victim was found lying in a drain of the farm of one of the villager. Offence came to be registered. During the course of investigation, on the

basis of statements of witnesses, Applicant and co-accused came to be arrested. After completion of investigation chargesheet is filed. Applicant is in jail since 14th June 2022.

3. Learned Counsel for the Applicant at the outset, points out to the Court that the co-accused who has been charged with the similar crime and the similar role therein has been enlarged on bail by this Court by order dated 9th May 2025 passed in Bail Application No. 1177 of 2025. It is his contention that the bail has been granted on merit. It is his submission that having regard to the allegations against the present Applicant and the statements of the witnesses who attributed exactly same role as compared to the co-accused, he is entitled for bail. It is his contention that charge is yet to be framed.

4. Learned APP and Learned Counsel for the Respondent No.2 – Informant opposes the application. It is their contentions that having regard to the serious nature of the crime so also the evidence against the Applicant in the form of statement of witness who has over heard the accused persons talking to each other that she was acting to smart and deserves to be taught a lesson. Apart from this it is their submission that on the basis of DNA report, it can be seen that the same is positive as against the present Applicant. In response to this submission learned Counsel for the Applicant drew attention of the Court to DNA report in respect of the sample collected of the deceased victim which according to him are not incriminating against the Applicant. It is his submission that the report sought to be relied

upon by the prosecution which is said to be positive is not incriminating report as it only indicates that the DNA samples of the Applicant matched to his blood samples.

5. This Court while passing order dated 9th May 2025 has dealt with the entire consideration and arguments of the prosecution while allowing the application. Perusal of the record shows that on the basis of statement of Yogesh Taral who states that prior to two days of the incident he has overheard the accused persons talking to each other that the victim was acting too smart and deserves to be taught a lesson. Needless to say that this allegation is against both, the Applicant as well as co-accused who is enlarged on bail. On this the evidence collected during the course of the investigation is also identical against them including DNA Report.

6. Having regard to the aforesaid facts and considering the set role alleged against the present Applicant as compared to the co-accused, this is a fit case for applying parity. Applicant has no criminal history. He is not likely to flee from justice. Hence, following order.

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 113 of 2022 registered with Jawhar Police Station, Dist. Palghar, for the offences punishable under Sections 302, 201, 341, 376, 376(D), 34 of the Indian Penal Code (For short "IPC") and Sections 4, 6, 8, 12, 16 and 18 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").

- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.25,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed.
- iv) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also the the Trial Court.
- v) After his release from jail, Applicant shall report to the Investigating Officer as and when called for.
- vi) Applicant shall attend the Trial Court on first Tuesday of every month between 11:00 a.m. and 1:00 p.m. to mark his present. If the first Tuesday of the said month falls on a holiday and/or non Court working day, the Applicant shall mark present on the next working day.
- vii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order.
- viii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.

- ix) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner.
- x) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before Trial Court, it shall attract the provisions of Section 439 (2) of Cr.P.C. i.e. for cancellation of bail.

7. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-